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OF THE

STATE OF ILLINOIS,

PASSED BY THE

TWENTY-FIRST GENERAL ASSEMBLY,

CONVENED JANUARY 3, 1859.

SPRINGFIELD:
BAILHACHE & BAKER, PRINTERS.

1859

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PUBLIC LAWS.

APPRENTICES.

AN ACT concerning Apprentices.

In force February 16, 1859.

PREAMBLE.—Whereas the commonwealth of Pennsylvania did, on the twenty-third day of March, Anno Domini 1826, incorporate the House of Refuge, and did by the said act of incorporation empower the managers of the said House of Refuge to bind out the children committed to their care, as apprentices, during their minority, and with their consent: *Provided*, that in the case of females the power of the said managers should not extend beyond the age of eighteen years; and whereas the said commonwealth of Pennsylvania did, by an act passed the eleventh day of April, Anno Domini, 1850, No. 311, extend the power and charge of the said managers of the said House of Refuge over females, who, on their admission, may be over sixteen years of age, to the age of twenty-one years; and whereas a number of the inmates of the said House of Refuge have, with their consent, been apprenticed by the managers of the said House of Refuge to citizens of this state; and whereas it is desirable that there should be no doubt as to the validity of the said indentures; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That indentures of apprenticeship, by which inmates of the said House of Refuge have heretofore been or may be hereafter, with the consent of said inmates, bound as apprentices to citizens of the state of Illinois, shall be as good and valid, to all intents and purposes whatever, as if said binding had been within the state of Illinois.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1859.

In force Jan- AN ACT making partial appropriations, for defraying the expenses of this General
 ary 13, 1859. Assembly.

Auditor to draw warrants SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby authorized and required to draw warrants on the treasury for the sum of fifty dollars to each member of the senate and house of representatives, and warrants for a like sum to the speaker of each house, the secretary and assistant secretaries of the senate, the clerk and assistant clerks of the house of representatives, the enrolling and engrossing clerks, and the assistant enrolling and engrossing clerks of each house, and the door-keepers and assistant door-keepers of each house, postmasters and assistant postmasters of each house.

To be paid by treasurer. § 2. That any money, now in the treasury or which may be received into the treasury and not otherwise appropriated by law, shall be applied to the payment of the aforesaid warrants.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED January 13, 1859.

In force Febru- AN ACT to defray certain expenses before the Finance Committee of the Senate.
 ary 11, 1859.

One thousand dollars appropriated. Fees. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of one thousand dollars is hereby appropriated, out of any moneys in the treasury, not otherwise appropriated, to defray the expenses of summoning witnesses and paying their fees, for attendance before the finance committee of the senate, in the matter of the investigation relating to the alleged improper funding of certain canal scrip; such fees to be two dollars per day for each days' attendance, and ten cents per mile, for necessary travel to and from the residence of the witnesses.

Auditor to draw warrant. § 2. The auditor is hereby authorized and required to draw his warrant upon the treasurer, and the treasurer is required to pay the same, to the amount of such fees and expenses, upon the certificate of the chairman of said finance committee of their correctness, and also for all necessary expenses incurred by said committee for telegraphing and express, and also clerk hire; proper vouchers to be taken and kept for all such expenses.

Vouchers to be kept. § 3. This act to take effect from and after its passage.
 APPROVED February 11, 1859.

AN ACT to provide for the completion of the Supreme Court and Library Building in the Third Grand Division. In force February 11, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of thirteen thousand six hundred and thirty dollars be and the same is hereby appropriated, for the completion of the court and library room, for the use of the supreme court, in the third grand division, according to the plans and specifications which have been furnished by the judge of said court residing in said division. Said sum shall be subject to the order of the commissioners heretofore appointed by law to superintend the erection of buildings; upon the presentation of which order, the auditor of public accounts is directed to issue a warrant upon the treasurer, from time to time, in such sums as may be necessary, to be used in the construction of said building, in favor of said board of commissioners.

Appropriation,
third grand
division.

Auditor to
issue warrant.

§ 2. Said commissioners shall report to the governor of this state, at least once in every six months, a detailed statement of all moneys expended by them in the construction of said building; and the sum of four thousand dollars be and the same is hereby appropriated, for the purpose of erecting durable stone steps, completing the basement, putting on new roof, and other necessary improvements, to the supreme court room building of the first grand division, at Mount Vernon; to be expended under the direction of the judge of the first grand division of the state of Illinois, who is hereby authorized to give orders on the auditor, as the work may progress; and upon such orders the auditor shall issue his warrant on the treasurer, for payment thereof.

Report to gov-
ernor.

Appropriation,
first grand
division.

Auditor to
draw warrant.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 11, 1859.

AN ACT to supply deficiencies in the appropriations to the Deaf and Dumb Institution. In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there is hereby appropriated to the Illinois Institution for the Education of the Deaf and Dumb the following sums: Balance in full for heating and lighting the institution, eight thousand four hundred and fifty-eight dollars and twelve cents.

Appropriation.
For heating
and lighting.

For deficiency in last appropriation, occasioned by using money for purposes not contemplated by the act, the sum of sixteen thousand dollars.

Deficiency.

- Ordinary ex-
penses. To defray the ordinary expenses of the institution, from January 1st, 1859, to the 1st day of March, 1859, four thousand five hundred dollars.
- Auditor to draw
warrant. The auditor shall draw his warrant on the treasurer for said sums, to be paid out of any money in the treasury not otherwise appropriated: *Provided*, that the auditor shall not draw such warrant for the first two sums above named, or any part thereof, until there is a surplus in the treasury, sufficient to pay the same, over and above all other appropriations provided for by law, either at this or any former session of the General Assembly.
- Proviso.
- Accounts to be
certified. § 3. That hereafter no account shall be paid by the treasurer of the Institution for the Education of the Deaf and Dumb until the account upon which the same is paid shall have first been presented to the board of trustees, or the president thereof, and certified to be correct.
- Manner of
keeping ac-
counts. § 4. The officers of said institution shall adopt the manner of keeping accounts now in use at the Hospital for the Insane, in Jacksonville; and it shall be the duty of the trustees of said institution to take from their treasurer a bond, with good and sufficient sureties, in the penal sum of ten thousand dollars, for the faithful performance of his duty.
- Moneys, how
applied. § 5. In no case shall the money appropriated for the ordinary expenses of the institution, or any part thereof, be used for the payments of any debt created prior to such appropriation; but all moneys appropriated at this or any subsequent session of the General Assembly shall be faithfully applied to the specific object for which the appropriation is made, and no other.
- § 6. This act shall be in force from and after its passage.
- APPROVED February 19, 1859.

In force February 19, 1859. AN ACT making provision for the support of the Institutions for the Deaf and Dumb and Blind.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following sums be and are hereby appropriated for sustaining the Institutions for the Education of the Deaf and Dumb and Blind, for the years eighteen hundred and fifty-nine and eighteen hundred and sixty. To the Deaf and Dumb Institution, the sum of three hundred dollars per annum, for two years, to pay for insurance; and the sum of five hundred dollars per annum for two years, to pay for repairs about the premises; to pay the ordinary expense of the said institution, from the first of March, eighteen hundred and fifty-

Deaf and Dumb
Institution.

nine, to the first day of March, eighteen hundred and sixty-one, twenty-seven thousand dollars per annum, payable quarterly, as required for use. To pay the ordinary expenses of the Institution for the Blind, from the first of December, eighteen hundred and fifty-eight, to the first of March, eighteen hundred and sixty-one, the sum of twelve thousand dollars per annum, is hereby appropriated, payable quarterly, as required for use.

Institution for
the Blind.

§ 2. The aforesaid sums of money are to be paid over and accounted for in the manner required by the act of the last session of the General Assembly, in relation to the Public Institutions at Jacksonville. This act shall take effect on its passage.

Manner of pay-
ment.

APPROVED February 19, 1859.

AN ACT making appropriations for the completion of the Illinois State Hospital for the Insane.

In force Febru-
ary 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That,* for the purpose of completing the additions to the Illinois State Hospital for the Insane, including heating, ventilation, cisterns and pavements, the sum of seventy-five thousand dollars is appropriated, payable out of any money in the treasury not otherwise appropriated; one-half of which sum shall be payable immediately on the passage of this act, one-fourth of said sum payable on the 1st day of July, eighteen hundred and fifty-nine, and the remaining fourth of said sum payable on the 1st day of December, eighteen hundred and fifty-nine.

For completing
additions.

When payable.

§ 2. That the sum of five thousand dollars is appropriated for the furnishing of the patients' wards of the west wing of the hospital not completed, payable out of any money in the treasury not otherwise appropriated, immediately on the passage of this act.

For furnishing
patients' ward

§ 3. That the sum of twenty-three hundred dollars is appropriated to replace the shingle roofs of the old hospital buildings with fire proof roofs, payable out of any money in the treasury not otherwise appropriated, immediately on the passage of this act. The moneys appropriated by this act shall be applied only to the specific objects for which the same are hereby appropriated.

For fire proof
roofs.

How money to
be applied.

§ 4. This act shall be in force from and after its passage.

APPROVED February 19, 1859.

In force February 21, 1859. AN ACT to provide for sustaining the Illinois State Hospital for the Insane, for the years eighteen hundred and fifty-nine and sixty.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of forty thousand dollars per annum, from the first of December, eighteen hundred and fifty-eight, to the first day of March, eighteen hundred and sixty-one, is hereby appropriated, to defray the ordinary expenses of the Illinois State Hospital for the Insane, for the present and succeeding year, payable out of the state treasury quarterly, as required for use, and to be accounted for as required by the act of the last session of the General Assembly in relation to the Public Institutions at Jacksonville: *Provided*, that if provision is made by any other act for defraying the expenses referred to in this act, this act shall be void: *And, provided, further*, that the money hereby appropriated shall not be applied to any other object than that for which the same is specifically appropriated. This act to take effect on its passage.

APPROVED February 21, 1859.

In force February 21, 1859. AN ACT making additional appropriations and provisions for the Penitentiaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of carrying on the works of the new penitentiary, according to the plans and specifications heretofore adopted by the commissioners and approved by the governor, treasurer and auditor, there is hereby appropriated the sum of two hundred thousand dollars, for expenditures on said works, for the years 1859 and 1860.

§ 2. The money hereby appropriated, to be drawn in the manner specified in an act entitled "An act to locate and build an additional penitentiary," approved February 19th, 1857; and the commissioners are hereby required to observe and pursue all the provisions of the act above referred to, relating to the payment for work in the construction of the new penitentiary, and in making of contracts; and that the contracts shall not exceed the amount herein appropriated.

§ 3. That whenever the works of said new penitentiary shall be sufficiently advanced to admit of it, the commissioners shall make the certificate specified in the tenth section of the act referred to in the second section of this act.

§ 4. The commissioners having, pursuant to the provisions of the law heretofore enacted, sold and conveyed the old penitentiary at Alton, and the ground on which the same

stands, the warden of the penitentiary is hereby required to remove all prisoners from the penitentiary at Alton to the new penitentiary at Joliet, on or before the thirtieth day of July, 1860, and as much sooner as the commissioners shall certify to the secretary of state that the new penitentiary is sufficiently advanced to accommodate and securely keep all the state prisoners. It shall be the duty of the secretary of state, on receiving such certificate, to notify the judges of all the courts in this state, having authority to commit convicts to the penitentiary, of the fact; and thereafter all convicts sentenced to the penitentiary by any court in this state, shall be committed to the penitentiary authorized to be built by the act hereinbefore referred to.

Secretary of
state to notify
judges.

§ 5. The governor is hereby authorized to appoint a chaplain for each of the state penitentiaries, whose compensation shall be five dollars each, per week, which shall be paid from the treasury, on the warrant of the auditor. It shall be the duty of the chaplains to attend at their respective penitentiaries, at such time as their services may be required, and to hold at least one religious service in the penitentiary every Sunday. The employment of the chaplain at Alton shall terminate on the removal of the convicts.

Governor to
appoint chap-
lains.

§ 6. The sum of twenty-one thousand three hundred and eighty-eight dollars and twelve cents is hereby appropriated to Sanger, Casey & Ross, in payment for repairs and rebuilding portions of the Alton penitentiary; for clothing and cash paid discharged convicts; for the transportation of convicts from Alton to Joliet; for blank records for the prison, and chaplain's salary, as allowed and certified by the state superintendent of the prison.

Appropriation
to Sanger,
Casey & Ross.

§ 7. The sum [of] six thousand seven hundred and fifty-eight dollars and nine cents is hereby appropriated to Buckmaster & Wise, in payment for clothing and cash paid discharged convicts, and repairs and work done on the penitentiary at Alton, as certified and allowed by said superintendent.

Appropriation
to Buckmaster
& Wise.

§ 8. The auditor of public accounts is hereby required to draw a warrant upon the treasurer of state for the several sums above specified, and to the parties above mentioned, and the same shall be paid out of any money in the treasury not otherwise appropriated.

Auditor to
draw warrants.

§ 9. This act to take effect and be in force from and after its passage.

APPROVED February 21, 1859.

In force February 24, 1859. AN ACT to authorize the treasurer of the state to pay to the superintendent of the Penitentiary certain claims therein mentioned.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor of the state be authorized to issue his warrant upon the treasury of the state for the sum of four hundred and thirty-nine dollars and fifty cents, in favor of the superintendent of the penitentiary, to enable him to pay for three hundred bibles purchased for the use of the convicts in the penitentiary, and to pay Jos. A. Miller for services as engineer and appraiser, also to pay L. D. Cleveland, John Chaney and Jos. A. Miller, for their services in estimating and appraising the value of certain work done in the penitentiary at Alton, and also to pay George T. Brown for certain record books furnished to the superintendent, for the use of the penitentiary.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force February 23, 1859.

AN ACT further defining the crime of Arson.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if any person, being the owner, lessee or occupant of any of the kinds of property specified in section fifty-eight of the criminal code, shall willfully and maliciously set fire to the same, with intent to burn the goods and chattels or fixtures of any other person, persons, body politic or corporation, then in said building, or shall willfully and maliciously set fire to the same, with the intent to defraud any insurance company, either by consuming the said building or by consuming his own goods and chattels or fixtures therein, or shall wantonly set fire to the same, with the intent to communicate fire to an adjoining building, the property of another, every such person so offending shall be deemed and taken to be guilty of arson, and punished accordingly: *Provided,* that if the life or lives of any person or persons be lost, in consequence of any such burning as aforesaid, such offender shall be deemed guilty of murder, and punished accordingly.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 23, 1859.

AN ACT to amend an act entitled "An act in relation to the Attorney General and State's Attorneys," approved February 28th, 1847. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the state's attorney of the seventh judicial circuit shall be allowed the same commissions and fees for his services in the recorder's court of the city of Chicago that he is now entitled to receive by law for like services in the said circuit court, to be paid by the said city of Chicago.

Fees of state's attorney of the seventh circuit in the recorder's court of Chicago.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT regulating the manner of inflicting the punishment of death in capital cases. In force February 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any person shall be condemned to suffer death, by hanging, for any crime of which such person shall have been convicted in any court of this state, such punishment shall be inflicted within the walls of the prison of the county in which such conviction shall have taken place, or within a yard or inclosure adjoining such prison.

Execution to take place within an inclosure.

§ 2. It shall be the duty of the sheriff or the deputy sheriff of the county to be present at such execution, and, by at least three days previous notice, to invite the presence of the judges, prosecuting attorney, and clerks of the courts of said county, together with two physicians and twelve reputable citizens, to be selected by said sheriff or his deputy. And the said sheriff or deputy sheriff shall, at the request of the criminal, permit such ministers of the gospel, not exceeding three, as said criminal shall name, and any of the immediate relatives of said criminal, to be present at such execution; and also such officers of the prison, deputies and constables as shall by him be deemed expedient to have present; but no other persons than those herein mentioned shall be permitted to be present at such execution; nor shall any person, not a relative of the criminal, under the age of twenty-one years, be allowed to witness the same.

Sheriff to invite witnesses.
Officers.
Physicians.
Citizens.

Clergymen.

Relatives.

Prison officers.

§ 3. The sheriff, or his deputy, or the judges attending such execution, shall prepare and sign, officially, a certificate, setting forth the time and place thereof, and that such criminal was then and there executed in conformity to the sentence of the court, and the provisions of this act; and shall procure to said certificate the signatures of the other public

Certificate of execution.

To be filed with clerk.

officers and persons, not relatives of the criminal, who witnessed such execution; which certificate shall be filed with the clerk of the court where the conviction of such criminal was had.

§ 4. This act shall take effect from its passage.

APPROVED February 18, 1859.

In force February 24, 1859.

AN ACT to restore Rufus Seay and Joseph Seay to the rights of citizenship.

R. and J. Seay restored to citizenship.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Rufus Seay and Joseph Seay, of the county of Union, and state of Illinois, lately convicted of the larceny of a quantity of sugar, in the circuit court of said Union county, be and the same are hereby restored to all the rights of citizenship in this state; and shall hold, have and enjoy all and any of the rights, privileges and franchises of other good and lawful citizens of this state, as fully and completely as said citizens can or may, under the laws and constitution of the state of Illinois.

Public act.

§ 2. *Be it further enacted*, That this act be and the same is hereby declared a public act, and shall take effect from and after its passage.

APPROVED February 24, 1859.

In force February 16, 1859.

AN ACT to authorize the investigation, and if just, the payment of the claim of Magniac, Jardine & Co.

Preamble.

Whereas the late firm of Magniac, Jardine & Co. claim a balance due from the state of Illinois of twenty-one hundred pounds three shillings and three pence sterling and interest, for money's advanced by them to pay the coupons on bonds of the state of Illinois, due July, A. D. 1841; and whereas said claim should be investigated, and if just, be paid; therefore,

Board to investigate claim.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the governor, auditor of state, John Moore, late treasurer, and James Miller, now state treasurer, be and they are hereby authorized to investigate said claim; and if they find the same just, they, or a majority of them, shall file their certificate of the amount due, in the auditor's office of this state. And the governor and treasurer are hereby authorized and directed to pay the same to them or their legal representatives, out of the proceeds of the two mill tax.

To file certificate.

To pay claim.

§ 2. This act shall take effect from and after its passage.

APPROVED February 16, 1859.

AN ACT authorizing the Governor to adjust the account of Thompson and Foreman. In force February 16, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the governor of this state be and he is hereby authorized to adjust and settle the claim of Thompson and Foreman, iron merchants, of London: it being for balance due on their account for iron, rails, spike, nails, &c., furnished to the state of Illinois, in the year 1840.

Governor authorized to settle claim of Thompson & Foreman.

§ 2. The governor shall order the payment of the account of Thompson and Foreman, so much thereof as may be found due, not exceeding the sum of thirty-seven thousand three hundred and twelve dollars and seventeen cents, upon the following conditions, and no other, to wit: The said Thompson and Foreman shall cause to be delivered to the governor of Illinois, or to his agent, for cancellation, two hundred and fourteen bonds of the state of Illinois, for £225 sterling each, and numbered 346 to 559, inclusive; one thousand six hundred and sixty-eight bonds of the state of Illinois, for £100 sterling each, and numbered from 34 to 1701, inclusive, with all the coupons attached to each of the above described bonds; also, twenty bonds, of one thousand dollars each, issued to Thompson and Foreman, under the act of February 18, 1857; the whole of the aforesaid bonds being now in possession of Thompson and Foreman, and amounting to over one million and eighty-eight thousand dollars.

Governor to order payment of account.

Bonds to be delivered.

§ 3. A sum not exceeding the amount named in the above section is hereby appropriated, to be paid from the surplus "two mill tax fund," or from any other surplus fund in the treasury, not otherwise appropriated. And upon the receipt of the above described bonds, the governor shall direct the same to be canceled, and make report thereof to the next General Assembly.

Appropriation.

Bonds to be canceled.

§ 4. This act to be in force from and after its passage.
APPROVED February 16, 1859.

AN ACT concerning the conveyance of real estate in this state, for the security of the school fund in the state of Connecticut. In force February 26, 1859.

Whereas it is represented to this legislature that the state of Connecticut have, by a permanent appropriation, constituted a fund for the support of free schools, and that divers citizens of this state are desirous of obtaining loans from said school fund and of securing the payment of said loans by conveyance of real estate, either by mortgage or otherwise; and that for the accommodation of said citizens, as well as the security of said fund, it may be found neces-

Preamble.

sary to make conveyances of real estate in this state to said state of Connecticut, or to the trustees of said state, for the use and benefit of said school fund; and it appearing to this legislature that the establishment of said fund is for a useful and benevolent purpose, and will be of great benefit; therefore,

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the consent of this state be and the same is hereby given to all conveyances of real estate in this state, made or to be made to the state of Connecticut, or to the trustee of said state, for the security, protection and benefit of said school fund; and the same shall be as valid in law, to all intents and purposes, as if such conveyance had been made to a citizen of this state. And such real estate may be transferred by and security therefor be taken to said state of Connecticut, in the same manner as is provided by the laws of this state in relation to such conveyances and security, when executed by or to any citizen of this state.

Consent of the state given to conveyances.

Real estate may be transferred

Deeds executed by state of Connecticut valid.

May be recorded.

§ 2. *And be it further enacted,* That all deeds, and other conveyances of real estate, executed or to be executed by the treasurer of said state of Connecticut, and which shall be acknowledged before and certified by the secretary of said state, under the seal thereof, shall be deemed valid and lawful conveyances, and may be recorded in the proper offices in this state.

APPROVED February 24, 1859.

In force February 26, 1859.

AN ACT for the incorporation of Benevolent, Educational, Literary, Musical, Scientific and Missionary Societies—including Societies formed for Mutual Improvement or for the Promotion of the Arts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any three or more persons of full age, citizens of the United States, a majority of whom shall be citizens of this state, who shall desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious or missionary purposes—including societies formed for mutual improvement, or for the promotion of the arts—may make, sign and acknowledge, before any officer authorized to take the acknowledgment of deeds in this state, and file in the office of the secretary of state, and also in the office of the recorder of the county, in which the business of such society is to be conducted, a certificate in writing, in which shall be stated the name or title by which such society shall be known in law, the particular business and objects of such society, the number of trustees, directors or managers of such society, for the first year of its existence.

Three or more persons may file certificate.

§ 2. Upon filing a certificate, as aforesaid, the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this act, be a body politic and corporate, by the name stated in such certificate; and by that name they and their successors shall and may have succession, and shall be capable of suing and being sued; and they and their successors may have and use a common seal, and the same may alter or change at pleasure; and they and their successors, by their corporate name, shall, in law, be capable of taking, receiving, purchasing and holding real and personal estate, and, for charitable purposes only, may sell and convey the same; to make by-laws for the management of its affairs, not inconsistent with the constitution and laws of this state or of the United States; to elect and appoint the officers and agents of such society, for the management of its business.

To become incorporated.

Seal.

By-laws.

Officers and agents.

§ 3. The society so incorporated may annually, or oftener, elect from its members its trustees, directors or managers, at such time and place, in such manner as may be specified in its by-laws, who shall have the control and management of the affairs and funds of said society, a majority of whom shall be a quorum for the transaction of business: and whenever any vacancy shall happen among such trustees, directors, or managers, by death, resignation or neglect to serve, such vacancy shall be filled in such manner as shall be provided by the by-laws of such society.

Trustees, directors, or managers.

Quorum.

Vacancy.

§ 4. In case it shall happen that an election of trustees, directors or managers, shall not be made on the day designated by the by-laws, said society for that cause shall not be dissolved, but it shall and may be lawful, on any other day, to hold an election for trustees, directors or managers, in such manner as may be directed by the by-laws of such society.

Failure to elect.

§ 5. The provisions of this act shall not extend to or apply to any association or individual who shall, in the certificate filed with the secretary of state, or with the recorder, use or specify a name or style the same as that of any previously existing incorporated society in this state.

Must adopt a new name or style.

§ 6. Any corporation, formed under this act, shall be capable of taking, holding or receiving any property, real or personal, by virtue of any gift, purchase, devise or bequest contained in any last will and testament of any person whatever, or in any other manner.

May receive and hold property.

§ 7. The trustees, directors or stockholders of any existing benevolent, charitable, educational, musical, literary, scientific, religious or missionary corporation, including societies formed for mutual improvement, may, by conforming to the requirements of the several sections of this act, reincorporate themselves, or continue their existing corporate

Existing societies may reincorporate themselves.

Term of incorporation.	<p>powers under this act, or may change their name, stating in their certificate the original name of such corporation, as well as the new name assumed; and all the property and effects of such existing corporation shall vest in and belong to the corporation so reincorporated or continued. Corporations under this act may be organized for any term not exceeding twenty years—the term to be stated in the certificate mentioned in the first section. No corporation organized under this act shall, in its corporate capacity, contract any debts.</p>
May sell and dispose of real estate.	<p>§ 8. The corporations formed under this act may sell and dispose of any real estate they may acquire by purchase, gift or devise, as follows: Whenever any lot purchased for the use of the corporation or any building erected thereon shall become ineligible for the uses for which said lot was purchased, or said building erected, to be determined by a vote of two-thirds of the shares of the stock of said corporation, or the members of said corporation, at a meeting of stockholders or corporators or members of said corporation, specially called for that purpose, the proceedings of which meeting shall be duly entered in the records of said corporation, said lot or building may be sold, and the proceeds thereof may be vested in another lot, or in the erection of another building, or both. When any real estate shall have been devised or given to any such corporation for any specified benevolent purpose, the same may be sold, and the proceeds applied in aid of the benevolent purpose aforesaid: <i>Provided</i>, no corporation aforesaid shall hold said real estate more than five years; or where, by a vote of three-fourths of the stock held by the stockholders, or of three-fourths of the corporators, if no shares of stock have been created, of any corporation formed under this act, then by a vote of three-fourths of the members thereof at a meeting called for the purpose, of which such stockholders or corporators or members as aforesaid, shall have at least ten days' notice, the said corporation shall determine to surrender their corporate powers and cease to act under the same, said real and personal estate so acquired as aforesaid, shall be sold at public auction, proper notice of the time and place of said sale having previously [been] given, and the proceeds of said sale equitably distributed among the stockholders or corporators aforesaid, or disposed of for the promotion and advancement of the objects for which such corporation was originally organized.</p>
To be determined by vote of two-thirds.	
Proceedings to be recorded.	
Proceeds may be vested in other real estate.	
Proviso.	
Where corporation surrenders charter.	
Property to be sold at auction.	
Proceeds to be disposed of.	

APPROVED February 24, 1859.

AN ACT to amend an act entitled "An act to authorize the formation of corporations for Manufacturing, Mining, Mechanical or Chemical purposes," approved February 18th, 1857. In force April 26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any corporation, formed under and by virtue of the aforesaid act, or any persons who may wish to form a corporation under the same, and who may be desirous of doing or carrying on business in more than one place or county, may file the certificates required to be filed by sections one, ten and seventeen of said act in the clerk's office of the county in which their general office shall be kept; and in such case the certificate shall set forth in what town and county their general office will be kept.

Corporations to file certificates where a general office is kept.

Town and county.

§ 2. Any corporation formed under said act, for the purpose of carrying on mining or manufactures of wood, shall have the right to purchase and hold such mineral and timber lands as they shall deem essential to provide themselves with material for the future operation of said company.

May purchase timber and mineral lands.

APPROVED February 24, 1859.

AN ACT amendatory of the act approved March 3d, 1845, in relation to Fire Companies. In force April 26, 1859.

[SECTION 1.] *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That hereafter fire companies wishing to incorporate under said act herein referred to, shall be allowed to record such intention in the recorder's office, in the proper county, and in the register's office in all cities of this state, where such office has been established. Any member of any fire companies in this state shall, during the time he may remain a member of said company and comply with the rules and perform the duties thereof, be exempt from road and street labor, or the payment of money in lieu thereof.

File certificate in recorder's or register's office.

Exemption from road and street labor.

APPROVED February 24, 1859.

AN ACT authorizing corporations to call stockholders' meetings.

In force February 11, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the stockholders of any company organized under any general or special law of this state, owning the majority of stock in

Stockholders owning a majority of stock may call a meeting.

By signing a call.	such company, which has been fully paid up and issued, may call a meeting of the stockholders of such company, by signing a call therefor with their proper names, stating the number of shares held by each, and filing the same with the president or secretary of such company, and publishing the same in a newspaper published in the county of this state where the principal office of such company is kept, or
Publishing the same.	at the seat of government, for three successive weeks prior to the time fixed for holding such meeting, and mailing a copy thereof to each of the directors of said company, at his usual place of abode. And the secretary of such company shall enter such call upon the records thereof, and the fact of such publication and mailing such notice, giving the name of such paper, with the dates and place of publication; which shall be <i>prima facie</i> evidence thereof.
In county or at seat of government.	§ 2. The stockholders, of such meeting, (provided a majority of the stock in such company shall be there represented,) may amend, repeal or enact anew the by-laws, articles of association or other acts of such company, declare dividends, elect directors or other officers of such company; and, finally, do any other acts authorized by law to be done by said company, either at the first or any subsequent meeting of the stockholders or board of directors of such company.
To mail a copy of the call to directors.	
To be recorded.	§ 3. At such meeting stockholders may vote, either in person or by proxy, one vote for each share of stock held and thus represented. A majority of the votes cast at such meeting, upon any act or motion, shall be necessary to carry the same; and the proceedings of such meeting shall be entered upon the records of such company, by the secretary thereof.
Powers of the stockholders.	§ 4. This act shall not apply to railroad corporations.
May vote in person or by proxy.	§ 5. This act shall take effect and be in force from and after its passage.
Majority to carry motions.	APPROVED February 11, 1859.
Not applicable to R. R. companies.	

In force February 11, 1859. AN ACT to establish the county of Douglas, and for other purposes therein named.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that portion of the county of Coles, lying within the following boundaries, to wit: Commencing at the northeast corner of the county of Coles, thence west on the line between said county and the county of Champaign, to the northwest corner of the county of Coles; thence south on the west line of Coles county, to the southwest corner of section

eighteen, (18,) township fourteen (14) north, of range seven, east; thence east, on the section line, to the southwest corner of section eighteen, (18,) township fourteen (14) north, range ten east; thence north to the township line between townships fourteen (14) and fifteen (15); thence east, on said line, to the east line of Coles county; and thence north, on the east line of Coles county, to the place of beginning, be and the same is hereby created into a new county, to be called the county of Douglas: *Provided*, that a majority of all the voters of said county of Coles, voting on the question, shall vote for the same, in the manner hereinafter prescribed.

Name.
Proviso.

§ 2. The qualified voters of the said county of Coles may, at an election to be held in the several precincts of said county, to be held on the first Monday of March next, vote for or against the creation of the said new county of Douglas, by ballot, upon which shall be written or printed, or partly written and partly printed, "For the New County," or "Against the New County."

Election.

§ 3. The clerk of the county court of the county of Coles shall give notice of said election in the several election districts in said county, in the same manner as general or special elections are given, as nearly as may be; and the judges of election and clerks thereof shall conduct said election and make returns thereof in the same manner as is now provided by law for conducting elections. In case of vacancies in the board of election, or failure to attend, such vacancies of absentees shall be filled in the same manner as is now provided by law in relation to elections. Returns of said election shall be made by the several boards of election to the clerk of the county court of Coles county, who shall be governed by the general election law then in force in opening and canvassing the same. The clerk of the county court of Coles county shall make return of the votes to Coleman Bright and J. B. McCown, within six days after the same have been canvassed; and the said clerk shall, also, within ten days, make return of said votes to the secretary of state.

Notice to be given.

Manner of conducting election and making returns.

Vacancies.

Returns to C. Bright and J. B. McCown.

To secretary of state.

§ 4. If it shall appear that a majority of all the voters in said county of Coles, voting upon the question, have voted for the creation of the new county of Douglas, then, and in that case, there shall be held a special election in the several precincts within the limits in this act described for said new county of Douglas, on the second Monday in April next, for county officers. Said election shall be conducted by the judges of elections then holding office under appointment in the county of Coles, and at the usual places of holding elections; at which election the qualified voters of the new county of Douglas shall elect all county officers for said county, except such as are hereafter excepted, who shall be commissioned and qualified in the same manner as

Special election for county officers.

To be commissioned.

such officers are in other counties in the state, and shall hold said offices until the next general election for such officers, and until their successors are elected and qualified, and shall have all the jurisdiction and perform all the duties which [are] or may be conferred upon or required of like officers in this state. In case there shall be portions of precincts or election districts within the boundaries of the new county, then the voters within the same may, at the first election for county officers, as herein provided for, vote within such precinct or election district as they may deem most convenient within said new county.

§ 5. All the justices of the peace, constables or other officers, who have been heretofore elected and qualified in the county of Coles, whose term of office shall not have expired at the time of said election, and whose place of residence shall be embraced within the limits of said county of Douglas, shall continue to hold their said offices and exercise the jurisdiction and perform the duties thereof, until term of office shall expire, and their successors shall be elected and qualified.

§ 6. For the purpose of fixing the permanent county seat of said new county of Douglas, the voters of said county shall, at said election of county officers, vote for some place, to be designated upon their ballots, for a county seat; upon said ballots shall be written or printed, or partly written and partly printed, "For county seat"—after which words shall be written or printed the name of the place intended. The place receiving the majority of all the votes polled upon that question shall be the county seat of the said county of Douglas; but if no one place shall receive a majority of all the votes polled upon that question then it shall be the duty of the county court of said county to call another election, within sixty days thereafter, at the several places of holding elections in said county; at which time the voters of said county shall choose from the two places having the highest number of votes at the previous election, and the place having the majority of all the votes cast shall be the permanent county seat of said county of Douglas.

§ 7. Notice of said election for county officers shall be given by the clerk of the county court of Coles county, in the same manner as notices of general elections are given in other cases; which notices shall specify that a vote will be taken upon the location of the county seat; and returns of said election shall be made to said clerk of said county court the same as is provided by law in other cases.

§ 8. All suits and prosecutions that have been, or may be commenced in said county of Coles, including all proceedings in the county court of said county in matters of probate, before the organization of said county of Douglas, shall not be affected by this act, but all such suits, prosecu-

Term of office
and jurisdic-
tion.

Portions of the
precincts.

Justices of the
peace, constables and other
officers.

County seat.

New election.

Notice of elec-
tion.

Suits and pro-
secutions.

tions and proceedings shall be prosecuted and conducted to their final termination in said county of Coles; and the officers of said county of Coles are hereby authorized to execute all writs that may be necessary for the completion of said suits, prosecutions and proceedings, within the limits of said county of Douglas; and all judgments that may have heretofore or that may hereafter be obtained, under the provisions of this section, shall have the same lien upon all property within the limits of said county of Douglas as though the said territory had not been erected into a separate county. Lien.

§ 9. As soon as the county officers shall have been elected and qualified the said county of Douglas shall be considered organized, and the clerk of [the] circuit court of said county shall give notice thereof to the judge of the fourth judicial circuit, who shall hold court at such places as shall be designated by the county court, until the county seat is located, as herein provided—said circuit court to be holden at such times as said judge shall direct, until otherwise provided by law. Notice to circuit judge.

Circuit court.

§ 10. The school funds belonging to the several townships embraced in the limits of said county of Douglas shall be paid and delivered over by the school commissioner of the county of Coles to the school commissioner of the said county of Douglas, as soon as he shall be elected and qualified. School funds.

§ 11. The county court of the said county of Douglas may, at any term of said court, by an order to be entered of record, appoint some competent person a commissioner, for the purpose hereinafter expressed, who shall take an oath of office, before some person authorized by law to administer oaths. Said court shall, at the same time, provide a sufficient number of blank books and deliver to said commissioner, who shall receipt for the same to the clerk of said county court. Commissioner to be appointed.

Blank books.

§ 12. As soon as said books shall be delivered to said commissioner he shall record in each a copy of the order of his appointment, and of his oath of office, and shall thereupon proceed to transcribe into such books all such deeds, mortgages and title papers of every description, with the certificates of acknowledgment thereto, of lands lying in the county of Douglas, which have been recorded or may be recorded hereafter, before the organization of said county of Douglas, be recorded in the recorder's office of the said county of Coles; and there shall be allowed him, the said commissioner, such sum as his services aforesaid are reasonably worth; to be paid out of the county treasury of the county of Douglas. Commissioner to transcribe records.

Compensation.

§ 13. When said commissioner shall have completed his work he shall make return of said books to the clerk of the circuit court of said county of Douglas; and they shall Records to be evidence.

thereupon be taken and considered, to all intents and purposes, as books of record of deeds, mortgages and title papers for the county of Douglas; and copies of said papers, certified by the officer having custody of said books, shall be evidence in all courts and places, in the same manner that copies of records are evidence in other cases, and with like effect.

County debt.

§ 14. The county of Douglas shall be responsible for and bound to pay one-fourth of the county debt of the county of Coles, incurred for stock in the Terre Haute and Alton Railroad Company, and shall be entitled to one-fourth of the stock held by said county of Coles in said railroad company; and it shall be the duty of the county court of the county of Douglas, after the first of January, A. D. 1860, to pay the interest on the bonds issued by the county of Coles for that purpose, numbered from No. 1 to No. 25, inclusive, semi-annually, as the same shall become due; and also to provide for and pay the principal of said bonds, numbered as above—the same being one-fourth of the said debt of the county of Coles.

Senatorial and
representative
district.

§ 15. That the county of Douglas shall, until otherwise provided for by law, at this or a subsequent session, be attached to and constitute a part of the 25th representative district, and of the 18th senatorial district.

§ 16. The secretary of state shall forthwith furnish the clerk of the county court of the county of Coles with a copy of this act, certified under the seal of state.

§ 17. This act to take effect and be in force from and after its passage.

APPROVED February 8, 1859.

In force Febru-
ary 16, 1859.

AN ACT supplementary to the act for the creation of the county of Douglas, approved February 8th, 1859.

Preamble.

Whereas it is represented that the county of Douglas, as created by the act to which this is supplementary, does not contain the number of square miles required by the constitution; therefore, in order to perfect the same, and that said county may contain the requisite number of square miles,

Additional ter-
ritory.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following described territory, to wit: Sections one, (1,) two, (2,) three, (3,) four, (4,) five, (5,) six, (6,) seven, (7,) eight, (8,) nine, (9,) ten, (10,) fifteen, (15,) sixteen, (16,) seventeen, (17,) eighteen, (18,) township No. 14, range No. 10, and section

six, (6,) in township No. 14, range No. 11, and sections four, (4,) five, (5,) and six, (6,) in township No. 14, range No. 14 west, be and the same are hereby declared to be a part of the county of Douglas, as fully and completely, for all purposes whatsoever, as if they had been contained within the boundaries set forth in the act to which this act is supplementary.

§ 2. The election required by the act to which this is supplementary, to be held on the first Monday in March next, shall be held on the third Monday of March, in the manner therein provided. Election postponed.

§ 3. This act shall be in force from and after its passage.

APPROVED February 16, 1859.

AN ACT to create the county of Ford, and for other purposes.

In force February 17, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that portion of Vermilion county lying and being within the following boundaries, and described as follows, to wit: Beginning at the northeast corner of Champaign county; running thence north to the south line of Iroquois county; thence west to the southwest corner of Iroquois county; thence north to the northwest corner of Iroquois county; thence west to Livingston county; thence south to the southeast corner of Livingston county; thence west to McLean county; thence south to the northwest corner of Champaign county; thence east to the place of beginning, be and the same is hereby created into a new county, to be called the county of Ford: *Provided*, that a majority of all the legal voters of said county of Vermilion, voting on the question, shall vote for said new county, at an election to be held in manner hereinafter provided. Boundaries. Proviso.

§ 2. The qualified voters of said county of Vermilion may, at a special election, to be held in the several towns in said county, on the first Tuesday in April next, vote for or against the creation of said new county of Ford, by ballot, upon which shall be written or printed, or partly written and partly printed, the words "For the New County," or "Against the New County." Special election

§ 3. The clerk of the county court of said county of Vermilion shall give notice of said election in the several election districts of said county, in the same manner as notice of general or special elections are given in counties which have not adopted township organization, as nearly as may be; and the judges and clerks of election, in the several election districts of said county, shall keep a list of the Notice of said election.

Vacancies.	votes polled at said election, and conduct the same in all respects, and make return thereof to the clerk of the county court in the same manner as is provided by law for general elections. All vacancies in the board of election shall be filled in the same manner as is provided by law in other cases. The clerk of said county court shall, within seven days after said election, or as soon thereafter as said returns shall be received, proceed to canvass the returns of said election, in the same manner as in general elections, and shall, within five days thereafter, make return of said vote to the secretary of state.
Returns.	
Special election for county officers.	§ 4. If it shall appear that a majority of all the voters in said county of Vermilion, voting upon the question, have voted in favor of the creation of said new county of Ford, then there shall be held a special election, in the several towns and precincts within the limits in this act described for said new county of Ford, on the first Monday in June next, for county officers. In case of fractional towns or precincts which have become detached by the boundaries of the said new county, the voters thereof may, at the first election for county officers, vote within such town or precinct within said new county as they deem most convenient.
Manner of election.	The said election to be conducted by the judges of election then in office under appointment or election in said county of Vermilion, and to be held at the place of holding the last general election. In case of vacancy in the board of election or nonattendance, said vacancy or place of any absentee shall be filled in the same manner as is provided by law in other cases of election. At which election the qualified voters of said county of Ford shall elect all county officers for said county, except such as hereinafter are excepted, who shall be commissioned and qualified in the same manner as such officers are in other counties in this state, and who shall continue in office until the next general election for such officers, and until their successors are elected and qualified, and who shall have all the jurisdiction and perform all the duties which are or may be conferred upon such officers in other counties of this state.
Term and qualification of the county officers.	§ 5. All the justices of the peace, constables, or other town or precinct officers, who have been heretofore elected and qualified in said county of Vermilion, whose term of office shall not have expired at the time of said election, and whose residence shall be embraced within the limits of said county of Ford, shall continue in office until their term of office shall expire, and until their successors shall be elected and qualified.
To vote for the county seat.	§ 6. For the purpose of fixing the permanent location of the county seat of said county of Ford, the voters of said county shall, at said election for county officers, vote for some place, to be designated upon their ballots, for a county seat, upon which ballot shall be written or printed, or partly written

and partly printed, "For County Seat;" after which words shall be written or printed the name of the place intended for the county seat. The place receiving a majority of all the votes cast upon the question shall be the county seat of said county of Ford; but if no one place shall receive a majority of all the votes cast upon the question then it shall be the duty of the county court of said county to call another election, within thirty days thereafter, at the several places of holding elections in said county; at which election the voters of said county shall proceed to vote as before, but shall choose from the two places having the greatest number of votes at the former election; and the place having the majority of all the votes cast at the second election shall be the permanent county seat of said county of Ford.

New election to choose county seat.

§ 7. Notice of said election for county officers shall be given by the clerk of the county court of Vermilion county, in the same manner as in cases of general elections. Said notice shall specify that a vote will be taken upon the location of the county seat. The returns of said election for county officers shall be made to the clerk of said court, who shall cause the same to be opened and canvassed and returns thereof made in the same manner as is provided by law in other cases.

Notice and returns of election for county officers.

§ 8. All suits and prosecutions that have been or may be commenced in said county of Vermilion, including all proceedings in the county court in matters of probate, before the organization of said county of Ford, shall not be affected by this act or the operation thereof; but all such suits, prosecutions and proceedings shall be prosecuted and conducted to their final termination in said county of Vermilion; and the officers of said county are hereby authorized to execute all writs that may be necessary for the completion of said suits, prosecutions or proceedings, within the limits of said county of Ford; and all judgments that may have heretofore been obtained or that may hereafter be obtained in said county of Vermilion, before the organization of said county of Ford, shall have the same lien upon all property within the limits of said county of Ford as if the said territory had not been created into a separate county.

Suits and prosecutions.

§ 9. As soon as the county officers shall have been elected and qualified, as aforesaid, the said county of Ford shall be considered organized. The oath of office may be administered to the several county officers by any person within the limits of the new county authorized by law to administer oaths. And as soon as said county is organized the clerk of the circuit court shall give notice thereof to the judge of the circuit in which said county may be embraced, who shall thereupon hold court at such place in said county of Ford as the county court thereof shall designate until the county seat of said county shall become permanently located, as heretofore provided; which court shall be holden at such

Organization.

Circuit court.

times as the judge of said circuit shall appoint, until otherwise provided by law; and until otherwise provided by law the said county of Ford shall be taken and considered as a part of the eighth judicial circuit.

School funds.

§ 10. The school funds, if any, in the hands of the school commissioners of Vermilion county, belonging to the several towns or parts of towns embraced within the limits of said county of Ford, shall be, by said commissioner, paid over to the school commissioner of said county of Ford, so soon as he shall have given bond and been qualified on demand made.

Commissioner
to transcribe
records.

§ 11. The county court of said county of Ford, shall, at some term of said court, by an order, to be entered upon their records, appoint some competent person a commissioner, for the purpose hereinafter expressed, who shall take an oath of office before some officer of said county authorized by law to administer oaths. Said court shall, at the same time, provide a sufficient number of well bound blank books, and deliver the same to said commissioner, who shall receipt the same to the clerk of said court; and as soon as the same shall be delivered to said commissioner, he shall record in each book a copy of the order of appointment and oath of office, and shall thereupon proceed to transcribe into such books all deeds, mortgages and title papers, of every description, with the acknowledgments and certificates in relation thereto, of lands lying in the said county of Ford, which have been recorded or may hereafter be recorded, before the organization of said county, in the recorder's office of said county of Vermilion. Such commissioner shall be allowed by said county court such sums as his services shall be worth, to be paid out of the county treasury. Said commissioner shall note at the end of each paper he shall transcribe the book and page which the same was transcribed, and shall make a correct double index of said records; and on the completion of his duties said commissioner shall return said books to the clerk of the circuit court of said county of Ford; whereupon they shall be taken and considered, to all intents and purposes, as books of records of deeds, mortgages and title papers for said county of Ford; and copies of said record, certified by the officer having the custody of the same, shall be evidence in all courts and places, in the same manner that deeds and title papers regularly recorded in the recorder's office are evidence, and with the same effect.

Transcript of
title papers.

Compensation.

To be evidence.

Swamp lands.

§ 12. Of the swamp lands lying within the present limits of Vermilion county and of the proceeds of sales of said lands heretofore made and which may hereafter be made, before the organization of said county of Ford, after deducting all expenses paid by and for which said county of Vermilion may be liable, the said county of Ford shall receive and be entitled to a share, in proportion to the number of

congressional townships and parts of townships lying within the boundaries of said county of Ford; and the share of said county of Vermilion to said lands and proceeds of sales thereof, as aforesaid, shall be in proportion to the number of congressional townships and parts of townships remaining within the limits of said county of Vermilion, after said county of Ford shall have been organized.

§ 13. The secretary of state shall forthwith furnish to the clerk of the county court of Vermilion county a certified copy of this act. Copy of act,

§ 14. This act shall take effect and be in force from and after its passage.

APPROVED February 17, 1859.

AN ACT in relation to a certain county therein named.

In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if the county of Ford is created, by virtue of an act entitled "An act to create the county of Ford, and for other purposes," that the county judge of the county of Ford is hereby authorized to borrow a sum of money, not exceeding in amount the sum of (15,000,) fifteen thousand dollars, for the erection of county buildings: *Provided*, a majority of the legal voters of said county of Ford shall vote in favor of making said loan, at any general or special election, to be held in said county.

County judge of the county of Ford authorized to borrow money.

Proviso.

§ 2. The county judge of Ford county is hereby authorized to issue coupon bonds, in sums not exceeding one thousand dollars, and bearing interest at a rate not exceeding ten per cent., per annum, payable twenty-five years after date; said interest payable semi-annually at the Bank of the State of New York, city of New York. Said bonds to be signed by the county judge and the county clerk, under the county seal of said county of Ford: *Provided*, that said bonds shall not be sold by the authorities of said county at less than their par value.

Authorized to issue coupon bonds.

Proviso.

§ 3. The county court, or board of supervisors, as the case may be, is hereby authorized and required to levy and collect a special tax on all the taxable property of said county of Ford, to pay the interest on said bonds, as the same becomes due and payable; and, also, to provide for the payment of the bonds, when they become due and payable, if not otherwise provided for.

Special tax authorized.

§ 4. This act to be a public act, and be in force from and after its passage.

APPROVED February 19, 1859.

In force February 23, 1859. AN ACT to legalize the sales of certain lands under judgments and decrees, in Franklin county.

Preamble.

Whereas the clerks of the circuit and county courts of Franklin county, Illinois, have heretofore, for a series of years, neglected and omitted, in many instances, to make up the judgments, orders and decrees of said courts; and whereas the said clerks have heretofore issued many executions and orders of sale from the minutes on the judge's docket, where the record was not made up as aforesaid, and the sheriffs and commissioners of said county have gone on and sold divers tracts of land and other real estate upon such executions and orders of sale; now, therefore,

[SECTION 1.] *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the pres-

Clerks authorized to make up records.

ent clerks of the circuit and county courts of Franklin county be and they are hereby authorized and empowered to proceed and make up all judgments, orders and decrees, in their respective courts, in their regular order, which have heretofore been neglected or omitted; and that such judgments, orders and decrees, when so made up, shall be as binding and have the same legal force and effect as if the same had been made up and recorded at the proper times.

To be binding.

Process to be declared valid.

And all executions, precepts and orders of sale, heretofore issued from such defective judgments, orders and decrees, and all sales of real and personal property made thereon, are hereby declared to be as legal and valid as if the said judgments, orders and decrees had been properly made up and recorded.

Clerks to make certificates.

§ 2. When the said clerks shall have made up and completed the said records, they shall make out certificates, in writing, stating definitely the extent of such transcribing and the amount of fees to which they are respectively entitled therefor, and present the same to the county court of said county; and the said county court, upon presentation of said certificates, shall make an order on the county treasurer in favor of said clerks for the same amounts as are now allowed by law for similar services.

To be presented to county court.

Court to make order for payment.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 23, 1859.

In force February 14, 1859.

AN ACT for the benefit of Hardin county.

Fines to be paid into the county treasury.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all fines, penalties and forfeitures assessed or incurred in the circuit

or county courts of Hardin county or collected by justices of the peace or other officers of said county, shall be paid into the county treasury as a part of the county revenue of said county.

§ 2. *Be it further enacted*, That all moneys or county orders, now in the hands of any officer or person, school officers excepted, as fines, penalties, or forfeitures, aforesaid, the same having been assessed or imposed within the limits of said county, and by the proper authority, as prescribed by the first section of this act, shall be paid into the county treasury of Hardin county: *Provided, however*, nothing in this act shall be construed to apply to or interfere with the assessment, collection or disposition of fines, penalties and forfeitures incurred or resulting from the violation of the ordinance or ordinances of any incorporated town.

Moneys and the county orders to be paid into the county treasury.

Proviso.

This act to be in force from and after its passage.

APPROVED February 14, 1859.

AN ACT to authorize the County Court of Henderson county to use a part of the poor house in said county as a county jail. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the county court of Henderson county be and is hereby authorized and empowered to use the cells in poor house, belonging to said county, situated on the northeast quarter of section twenty-six, in township eleven north, in range five west, in said county, and any part of said house, as a county jail, until a jail is otherwise provided in said county.

County court authorized to use poor house as a jail.

§ 2. In all cases where any person or persons have been or hereafter may be legally ordered, committed to and kept in the jail of said county, it shall be lawful for the jailer of said county of Henderson to receive him, her or them, and such person or persons to safely keep in the said poor house, or any part thereof, in the same manner and under the same penalties and liabilities as if the said poor house had been originally built as a common jail of said county.

Jailer to receive and keep prisoners in the same.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force February 21, 1859. AN ACT to legalize the acts of the Commissioners of Highways for the county of Iroquois, for the year 1857.

Acts of the commissioners of highways legalized.

Petitioners to deposit sufficient amount to defray expenses of view.

Proviso.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the acts of the commissioners of highways, within and for the county of Iroquois, for the year A. D. 1857, be and the same are hereby legalized; and that all roads located by said commissioners shall be deemed as lawful as if said commissioners had given public notice, as is now required by law; and that in all cases hereafter, that petitioners for the location of any new road or the alteration of an old one, that commissioners of highways require the petitioners, as aforesaid, to deposit with them a sufficient amount to defray the expenses of the view and survey of the proposed route; and if the prayer of the petition shall be granted, then and in that case said money shall be refunded immediately to the petitioners, and the township shall defray all the expenses for the services aforesaid: *Provided*, the provisions of this act shall not apply to the town of Loda, in said county.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 21, 1859.

In force February 18, 1859. AN ACT to authorize the Board of Supervisors of McLean county to issue bonds to pay off their subscription to the Board of Education of the State of Illinois.

Board of supervisors authorized to issue bonds.

To negotiate same.

Submit question to vote.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* Subject to the provisions hereinafter set forth, the board of supervisors of the county of McLean are hereby authorized to issue the bonds of said county, each bond for such an amount as they may determine, but not exceeding \$45,000 in total amount: said bonds to become due and payable within five years from the date of issuing the same, and to bear no greater rate of interest than six per cent. per annum. Said board of supervisors are authorized to negotiate said bonds, as best they can, or to sell them at par to the Board of Education of the State of Illinois, to pay off the subscription of said board or the county court of McLean county to said Board of Education, for the Normal School.

§ 2. If said board of supervisors think it expedient to issue bonds as aforesaid they shall submit a proposition to do so to the people of said county at the next April election. Said board of supervisors shall cause reasonable notice of said election, and the number and conditions of the proposed bonds to be given, and supply each place of voting in the county with a sufficient number of each kind of the tickets,

on which shall be written or printed, or partly written or partly printed, either "For the County Bonds," or "Against the County Bonds."

§ 3. Said election shall be conducted and canvassed as by law is required of other elections; and if a majority of all the votes cast in reference to this question shall be in favor of the issuing of the bonds said board shall thereupon issue them as aforesaid, and they shall be deemed valid and binding. If a majority of the votes cast upon this question shall be against said bonds said board shall thereby be prohibited from issuing them.

Manner of the election.

§ 4. If said bonds shall be issued, under the provisions of this act, said board of supervisors shall appropriate all the proceeds arising from the sale of the swamp lands of said county to the payment of said bonds until they shall be fully paid, or shall fund enough of said proceeds to pay said bonds, which shall be applied to that purpose and no other.

Proceeds of the swamp lands to be appropriated to the payment of the bonds.

This act to be in force from and after its passage.

APPROVED February 18, 1859.

AN ACT to amend an act entitled "An act to authorize the Board of Supervisors in and for Peoria county to build a court house and jail, and to issue bonds to pay for the same." In force February 21, 1859

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That any bonds issued by authority of an act made and approved February 9th, 1857, shall not be for a longer time than twenty years, and said bonds shall not draw a higher rate of interest than ten per cent., to be paid semi-annually, at such time and place as the board of supervisors may direct.

Time and interest of bonds.

§ 2. Whenever the board of supervisors shall by order or resolution direct the issuing of bonds, for purposes heretofore mentioned, it shall be and it is hereby made the duty of the chairman of the board of supervisors to sign said bonds; which bonds shall be countersigned by the county clerk, who shall attach thereto the county seal: *Provided*, that if the chairman of the board of supervisors refuses to sign any bonds issued by order of the board of supervisors it shall be competent for the county judge to sign said bonds, whose signature shall have the same binding force as if the chairman had signed said bonds.

Bonds to be signed and sealed.

Proviso.

§ 3. All moneys arising from the sale of bonds issued under this act, together with any taxes that may be levied to pay either principal or interest accruing upon said bonds,

Proceeds to be called the "court house fund."

shall be denominated "The Court House Fund," and shall only be used for building a court house or jail, or in payment of any liabilities originating in the erection of said buildings.

Special tax authorized.

§ 4. The board of supervisors may and they are hereby authorized to levy a special tax upon the personal and real property of said county, not exceeding two mills upon the dollar in any one year, for the purpose of building a court house or jail, or to pay the principal of any court house bonds that may have been or that may hereafter be issued, together with interest accruing upon bonds thus issued.

Special tax to pay interest on railroad bonds.

§ 5. *Be it further enacted*, That the board of supervisors of Peoria county and their successors be and they are hereby authorized to levy a special tax upon the personal and real property of said county, annually, of one-half mill to the dollar, for the purpose of creating a fund to pay the semi-annual interest, as it falls due, upon the Peoria and Hamilton [Hannibal] Railroad bonds: *And be it further provided*, that any annual surplus that may remain, after paying interest, as above provided, shall constitute a sinking fund, with which to buy up the Peoria and Hannibal Railroad bonds issued by Peoria county; which purchases shall be made by the county treasurer, under the direction of the board of supervisors: *Provided, always*, that the annual surplus of said sinking fund shall be deposited, upon interest, by the county treasurer, under the advice and supervision of the board of supervisors—they being responsible for any and all losses that may arise upon such deposits.

Sinking fund.

Proviso.

§ 6. This act to be in force and effect from and after its passage.

APPROVED February 21, 1859. •

In force February 14, 1859.

AN ACT to enable the county of Saline to construct county buildings.

County court is authorized to borrow money

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in case the county court of Saline county think it expedient to borrow money for the construction of public buildings for said county, the bonds of said county may be issued, in the aggregate sum of not more than twenty thousand dollars.

Time and interest of bonds.

§ 2. That said bonds shall not be made to run for a longer time than fifteen years, and may be made redeemable at any time, at the option of the county court of said county and shall bear not more than eight per cent. interest, per annum, payable semi-annually, in New York city, on the first days of January and July of each year.

§ 3. That in case the county court of said county deem it expedient the swamp land fund of said county may be pledged for the redemption of said bonds. And the county court may levy a special tax, of not more than one mill on each dollar, per annum, on the taxable property of said county, to be collected for the payment of the interest or principal of said bonds.

Swamp land fund may be pledged.

Special tax.

§ 4. That this act shall be taken and deemed a public act, and shall be in force from and after its passage.

APPROVED February 14, 1859.

AN ACT to authorize the Township Treasurers of Schuyler county to purchase certain county indebtedness.

In force February 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for and the treasurers of the different school townships, in Schuyler county, are hereby authorized to purchase with the fund known as the township fund, which may be in their possession, the bonds issued by said county in subscription to the several railroads being constructed in said county: *Provided*, that all such bonds purchased shall yield to the different townships not less than ten per cent. interest on the amount thus invested.

Township treasurers to purchase bonds.

Proviso.

§ 2. This act shall be in force from and after its passage.

APPROVED February 21, 1859.

AN ACT to authorize the county of St. Clair to borrow money to complete the Court House of said county.

In force February 3, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county of St. Clair be and is hereby authorized and empowered to borrow money, in one or more loans, not exceeding in all the sum of forty thousand dollars, to pay for and complete the new county court house, now erecting therein; and for the purpose aforesaid the county court of said county is authorized to issue the bonds of said county for such sum and payable in such times and places as the court may designate; which bonds shall bear interest not exceeding ten per cent.

County of St. Clair authorized to borrow money.

Issue bonds.

per annum, and in such form as said court may deem proper, and shall be signed by the county court judges and countersigned by the clerk of said court, with the seal of said county annexed, and also shall have a copy of this act printed thereon; and said bonds, so executed, shall be disposed of by said court, and shall be obligatory upon said county.

§ 2. This act to take effect from and after its passage.

APPROVED February 3, 1859.

Shall have a copy of this act printed thereon.

In force February 9, 1859. AN ACT to authorize the Supervisors of the county of Stephenson to borrow money.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the supervisors of the county of Stephenson be and they are hereby authorized to borrow a sum of money, not exceeding four thousand dollars, at a rate of interest not exceeding ten per cent., and for a period of not more than five nor less than three years, for the purpose of rebuilding the poor house in said county.

Supervisors authorized to borrow money

To issue bonds.

§ 2. That upon making the loan as aforesaid, the said supervisors are hereby authorized to issue bonds for the same, in sums of not less than one hundred dollars, which shall be executed by the chairman of the board of supervisors, attested by the clerk of the county court, and countersigned by the treasurer.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 9, 1859.

In force February 24, 1859. AN ACT to amend an act entitled "An act to provide for the sale of property in White county," approved February 27th, 1847.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of section four of an act entitled "An act to provide for the sale of property in White county," approved February 27th, 1847, as requires the purchaser of the property named in said act to build locks and keep them in good repair, be and the same is hereby repealed.

Part of section four repealed.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to legalize certain acts and proceedings of the Board of Supervisors of Whiteside County in relation to the sale and conveyance of the swamp and overflowed lands situated in said county. In force February 14, 1859.

Whereas the board of supervisors of the county of Whiteside did, at a special session, begun and held in the month of November, A. D. 1857, pass certain orders providing for the sale and conveyance of certain swamp and overflowed lands, situated in said county, to one William Marshall, and did, also, subsequently to that date, sell and convey to the said William Marshall certain swamp and overflowed lands situated in said county, and did further sell and convey, at different times, to divers other persons, certain tracts of swamp and overflowed lands situated in said county of Whiteside: now, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all and singular the acts and proceedings of the board of supervisors of Whiteside county, in selling, conveying, transferring, the said swamp and overflowed lands to the said William Marshall, or to any or all other person or persons, to whom the said county has conveyed or sold any portion of the swamp and overflowed lands situated in said county, be and the same hereby are declared to be valid and effective in law to convey the title of said lands to each and every person or persons who may have purchased the same, and that all orders, proceedings or conveyances, adopted or used by said board of supervisors, for the purpose of conveying the title to the person or persons purchasing the same, shall be taken and held, in all courts and places, to be good, valid and effective, for the purpose of conveying the title to the said lands as aforesaid, according to the true intent, meaning and purport of such orders, proceedings or conveyances.

Acts of supervisors declared valid.

Conveyances made valid.

This act shall be a public act, and shall be in force from and after its passage.

APPROVED February 14, 1859.

AN ACT to provide for the removal of the County Seat of Alexander County, in this State. In force April 26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at the election to be holden on the Tuesday after the first Monday in the month of November, A. D. one thousand eight hundred and fifty-nine, in the county of Alexander, in this state, a poll shall be opened at each election precinct in said county, for and against the removal of the county seat of said county from its present location, at Thebes, to the city of Cairo, in

Vote for or against removal of county seat.

- said county; at which election the qualified voters of said county may vote upon said question of removal; those desiring the removal shall have written or printed on their ballots the words "For Removal," and those opposed to said change shall have printed or written on their ballots the words "Against Removal."
- Ballots.**
- Notice.** § 2. When the county clerk of said county shall give notice of the election to be holden in the month of November, A. D. one thousand eight hundred and fifty-nine, it shall be his duty to state in said notices that a poll will be then opened at each precinct in said county of Alexander for and against the removal of said county seat from Thebes to the city of Cairo.
- Judges, clerks, and returns.** § 3. The judges of election and clerks thereof, by whom the elections shall be holden on the day and at the places in the foregoing section specified, shall make returns of the same in the same manner and at the same time as other returns are to be made by them.
- Returns to be canvassed.** § 4. When the returns of said election are or shall be made to the county clerk of said county the same shall be opened and counted or canvassed in the same manner as other returns are or shall be opened and canvassed; and upon the result being ascertained the certificate thereof shall be spread by said clerk upon the records of said county court. And if it shall appear that a majority of the legal voters of said county have voted in favor of said removal, then the city of Cairo shall be and remain the county seat of said county; and it shall be the duty of the county clerk to give notice of said result, by publishing the same in all the papers published in said county for four weeks consecutively, at the expiration of which said time the said removal shall take effect.
- Publication.**
- Removal.** § 5. From and after the period of six days following the last insertion of the notice of the result required to be given in the preceding section, it shall be the duty of all the county officers required by the laws of this state to hold their offices at the county seat to remove their offices from said town of Thebes to the city of Cairo; and it shall be the duty of the county court, as soon thereafter as may be, to erect or procure suitable buildings for the public officers of said county, and also for holding the circuit courts of said county; and when the same are so erected or procured, the records, books, papers and furniture of said county shall be kept therein, and all business shall be transacted thereat.
- Buildings.**
- Donations.** § 6. Said county court shall have the power and are hereby authorized to receive donations of either land or money or other property for the purpose of erecting, finishing, completing and furnishing said court house hereby in this act required to be erected, and the same so received shall be applied by said court for said purpose.

APPROVED February 18, 1859.

AN ACT to relocate the County Seat of Effingham County.

In force February 18, 1859.

Whereas a petition of a majority of the legal voters of Effingham county has been presented, praying for the removal of the county seat of said county to the town of Broughton; and whereas the towns of Broughton, Effingham and the various additions thereto have been consolidated, under the name of Effingham; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That on the first Monday in September, A. D. 1859, an election shall be held in the county of Effingham, in the state of Illinois, at the usual places of holding elections, for the purpose of determining whether the present seat of justice of said county shall be removed and relocated.

§ 2. The judges and clerks of elections shall attend on the day of election and conduct said election according to the laws of this state; and all legal voters of said Effingham county shall be entitled to vote for or against the removal of the county seat of said county to the town of Effingham.

§ 3. The ballots shall be in the following form, to wit: "For Removal"—"Against Removal." And the judges and clerks of said election shall make returns of said election in the manner and time now prescribed by law in regard to other elections in this state.

§ 4. When the returns shall have been made to the county clerk of said Effingham county, he shall proceed to open and count the votes cast at said election in the same manner as in cases of other elections; and if a majority of all the votes cast at said election are "For Removal," then the said town of Effingham shall be and remain the permanent seat of justice of said county; but if a majority of all the votes cast shall be "Against Removal," then the town of Ewington, the present county seat, shall be and remain the permanent seat of justice of said county.

§ 5. If the seat of justice shall be established at the said town of Effingham, according to the provisions of this act, the county court of said county are authorized and it is hereby made their duty forthwith to procure or erect suitable public buildings for the public offices of said county and for holding the county and circuit courts of said county, in the said town of Effingham, or some of the additions thereto; and the said county court are hereby authorized to receive, take, collect and apply donations or subscriptions, either in land, lots or money, for that purpose; and when such arrangement shall have been made the records and offices of said county shall be removed to said place, and the county and circuit courts of said county shall be held at that place.

§ 6. That the secretary of state cause a certified copy of this act to be immediately transmitted to the clerk of the

Preamble.

Election.

Of judges and clerks.

Voters.

Form of ballots

Returns.

Votes to be canvassed.

Public buildings.

Donations.

Records to be removed.

Notices.

county court of said county, who shall issue notices of said election to the sheriff of said county; and said sheriff shall cause said notices to be posted up in the several precincts of said county, in the same manner as notices of general elections, according to the laws of this state.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED February 18, 1859.

In force April 26, 1859. AN ACT to provide for an election for the removal of the County Seat of Henderson county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That at the election to be held on the Tuesday next after the first Monday in November, one thousand eight hundred and fifty-nine, in the county of Henderson, a poll shall be opened at each of the election precincts in said county, for and against the removal of the county seat of said county, from its present location, at Oquawka, to the town of Warren, in said county; at which election the qualified voters of said county may vote upon said question of removal. Those desiring the removal shall have written or printed on their ballots, "For Removal," and those desiring the county seat of said county to remain at Oquawka shall have printed or written on their ballots "Against Removal."

Ballots.

Notice.

§ 2. When the county clerk of said county gives notice of the election to be held in November, in the year of our Lord, one thousand eight hundred and fifty-nine, it shall be his duty to state in said notices that said polls will be opened at the election precincts in said county, according to the provisions of this act.

Returns.

§ 3. The judges and clerks of said election shall make returns of said election in the manner and time now provided by law in regard to other elections in this state.

Returns to be canvassed.

§ 4. When the returns of said election are made to the clerk of the county court of said county the same shall be opened and counted as other returns are required to be opened and counted; and the said clerk shall spread the final certificate thereof on the records of said county court. And if it shall appear that a majority of the voters of said county have voted for said removal then the town of Warren shall be and remain the seat of justice of said county.

Certificate.

§ 5. In case the election herein authorized shall be decided in favor of removing the seat of justice of said county to Warren it shall be the duty of the county court of said county, as soon thereafter as may be, to erect or procure suitable buildings for the public officers of said county, and

Public build-
ings.

also a suitable place for holding courts in Warren; and when such buildings are erected or procured the officers, records, books, papers and furniture of said county shall be removed thereto; and the circuit and county courts shall be held and county business shall be transacted at Warren.

Records to be removed.

APPROVED February 19, 1859.

AN ACT for relocating the County Seat of the county of Kendall.

In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the point to which the county seat of the county of Kendall may be removed be and is hereby described as follows, to wit: By a circle having for its radius twenty chains and for its centre the middle of the island in Fox river, between Bristol and Yorkville bridge, in the county aforesaid: *Provided*, that a majority of the voters of said county vote for its removal to such point.

Location.

§ 2. That the qualified voters of the county of Kendall, at the time and place of holding town meetings for the election of town officers, to be held on the first Tuesday of April, A. D. 1859, are authorized to vote upon the proposition to remove said county seat to said point—each voter's intention to be defined and declared by the words "For Removal" or "Against Removal." And the said vote of said election shall be ascertained by the officers of said election, according to the provisions of the general election laws.

Election.

Result, how ascertained.

§ 3. The officers of said election shall, in addition to the town clerk and moderator, as provided for at town meetings, consist of the supervisor and collector of the several towns, and, also, an additional clerk, who shall be sworn to perform the duties of their office the same as at general elections, and shall receive for their services the same as at general elections, out of the county treasury.

Officers of the election.

§ 4. The result of said election being ascertained in the usual manner and properly attested by the board of said election, as well for town officers as for and against removal, and the result of said vote "For Removal" and "Against Removal" shall be returned to the county clerk, by the said board of election, within four days after said election. It shall be the duty of the clerk of the county court to spread said return on his record, and notify, by written notice, the board of supervisors, at their first meeting, of the result thereof.

Returns.

Notice to board of supervisors.

§ 5. If a legal majority of the votes of said county shall be for removal of said seat of justice to the point aforesaid and according to the provisions of this act, the board of

Commissioners to select site.

supervisors are hereby constituted and appointed commissioners to select the site in the aforesaid point for the erection of public buildings.

Public build-
ings.

§ 6. It shall also be the duty of the board of supervisors, at their first meeting, or as soon thereafter as practicable, (if the vote shall be for removal,) to cause the necessary plans and specifications to be made for the erection of a building or buildings, for county purposes, on said site, and to make arrangements so that said building or buildings may be erected within three years from the first day of November, 1859, and to levy and collect the necessary tax for that purpose. And when said building or buildings shall have been erected and accepted by the board of supervisors the court, officers and public records shall be removed, held and kept in said building or buildings on said site: *Provided*, said court, officers and public records may be held and kept at its present site, in Oswego, until said building or buildings are completed and accepted by the board of supervisors.

Records to be
removed.

Notice of elec-
tion.

§ 7. Public notice shall be given of said election by the county clerk in the newspaper printed in said county; and the town clerks of the several towns shall cause a copy of said notice to be posted up in three of the most public places in each town, (said notice shall state that the election is called for the above named purpose of removing the county seat of said county,) at least twenty days previous to the holding of said election; but notice of said election may be published and put up in said several towns by any citizen of the county aforesaid, and if actually posted up shall be deemed legal and sufficient notice of said election: *Provided, also*, that the refusal of any publisher of any paper in said county to publish said notice shall not render said election invalid.

Expense.

§ 8. The expense incurred in said election, and in fixing the location, and in removing the county seat, shall be paid out of the county treasury of Kendall county. All acts or parts of acts which shall conflict with this act are hereby repealed.

§ 9. This act to take effect from and after its passage.

APPROVED February 24, 1859.

In force Febru-
ary 29, 1859.

AN ACT to amend an act entitled "An act to provide for the relocation of the county seat of Tazewell county, and the erection of public buildings," approved February 2, 1849.

Vacancy in the
board of trust-
ees.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section seven of the act to which this is an amendment be so amended, that in case of the death, removal from the county of Tazewell, or resignation filed with the county clerk of said county, of any of the trustees named in said section, or

any who may be hereafter appointed under the provisions of this act, the board of supervisors of said county, at their annual meeting, in the month of March, in each year, shall, by ballot, elect suitable persons, residing in said county, to fill all vacancies occurring in said board of trustees at any time hereafter, or which may now exist; which persons, so elected, shall hold their office for one year and until their successors shall be elected; and the trustees so elected shall have all the powers and perform all the duties as those named in the act to which this is an amendment, and be deemed invested, during the time they may hold their office, with the same estate as those named in said act.

To be filled by
board of su-
pervisors.

Powers and
duties.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 22, 1859.

AN ACT to authorize courts in this state to hold over in cases where capital trials are pending. In force February 1, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any court in this state shall be engaged in the trial of any capital crime and such court shall be required by law to hold a term of court in any other county before the verdict shall have been given in such cause, the said court in which said case may be on trial shall have full power and authority to continue in session until the rendition of a verdict and judgment, anything in the law to the contrary notwithstanding.

Courts may
hold over.

§ 2. This act shall be in force from and after its passage.

APPROVED February 1, 1859.

AN ACT authorizing the judges of the supreme courts to correct judgments in certain cases in vacation. In force February 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any judgment shall have been rendered in the supreme court, which, upon further consideration, is found to have been erroneously entered up, the judges thereof are authorized, during vacation, to change the same, without ordering a rehearing thereof, by entering a proper judgment in said cause; and in case a *procedendo* shall have been issued in any such cause the said judges may recall the same; and, by order of any of the judges, all proceedings taken by reason of

Judgment may
be changed in
vacation.

Proviso.

such *procedendo* shall be vacated and set aside: *Provided*, That all such judgments shall be corrected within six months from the adjournment of the term at which they may have been rendered.

§ 2. This act shall take effect from its passage.

APPROVED February 18, 1859.

In force February 19, 1859.

AN ACT in relation to certain decrees in chancery and orders of court.

Lien to secure dower or alimony.

Be it enacted by the People of the State of Illinois, represented in the General Assembly, That hereafter, in all cases where an order of a court of record or decree in chancery is made a lien on lands of a party to such order or decree, in any courts in this state, to secure the payment of the yearly value of a widow's dower, or the alimony to be paid to a woman or to a child or children, or to secure the payment of specific sums of money, to become due, from time to time, and sales of land may become necessary to satisfy any such sum or sums of money and costs, as they may become due, such sales shall not release or extinguish the lien upon such lands for the sums of money that may become due after proceedings are instituted to sell lands under such order or decree; and executions may issue, from time to time, to enforce such orders or decrees, as payments may become due, according to the practice in courts of law or equity.

Sales not to extinguish lien.

Execution may issue.

APPROVED February 19, 1859.

In force January 31, 1859.

AN ACT to change the time of holding courts in the first judicial circuit.

Time of holding courts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That hereafter courts shall be holden in said circuit as follows, to wit:

In the county of Morgan, on the fourth Mondays of February, the third Mondays of June, and the fourth Mondays of October.

In the county of Jersey, on the fourth Mondays of March, and the first Mondays of September.

In the county of Greene, on the first Mondays of April, and the second Mondays of September.

In the county of Calhoun, the third Mondays of April, and the fourth Mondays of September.

In the county of Scott, on the fourth Mondays of April, and the second Mondays of October.

§ 2. All summonses, subpoenas, writs, notices, declarations in ejectment, bonds, recognizances, venues, and process of any description, made and served for or returnable to the times as now fixed by law, shall be sufficient for the terms in the several counties respectively, occurring after the passage of this act, and be treated by like force and effect as if the same had been issued, given or made returnable to the said several terms, as herein provided for. In all cases when a judgment in an action in ejectment has been rendered in any of said counties where a right may exist to have a new trial, under the provisions of the statutes now in force, within one year thereafter, and the parties thereto shall be unable to make application therefor within such time, by reason of the change of the time of holding courts, as herein made, it shall be lawful for any such court to award and grant any such new trial at the terms, as herein provided for, first occurring after the expiration of the year aforesaid.

§ 3. This act to take effect and be in force from and after its passage.

Process returnable.

Judgments in ejectment.

APPROVED January 31, 1859.

AN ACT to change the times of holding courts in the second judicial circuit. In force February 8, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That hereafter the terms of the circuit court in the counties composing the second judicial circuit shall be held at the times following, viz:

Second circuit.

In the county of Clinton, on the first Monday of March and August of each year. Time of holding courts.

In the county of Marion, on the second Mondays thereafter.

In the county of Washington, on the third Monday thereafter in April, and the second Monday thereafter in September of each year.

In the county of Randolph, on the second Monday thereafter of each year.

In the county of Monroe, on the second Monday thereafter of each year.

§ 2. That all writs, recognizances and process of common law, criminal, or in chancery, returnable to the present terms of courts in said circuit, shall be deemed returnable to the several terms of court as fixed by this act, and shall be as valid as if made returnable to the terms fixed by this act.

Process returnable.

Acts repealed. § 3. All acts and parts of acts coming within the purview of this act and conflicting with the same are hereby repealed.

§ 4. This act to be in force and take effect from and after its passage.

APPROVED February 8, 1859.

In force February 8, 1859.

AN ACT to establish the twenty-sixth judicial circuit, and declare what counties shall compose the third judicial circuit, and fix the time of holding courts in said circuits.

Twenty-sixth circuit.

Time of holding courts.

Process.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the counties of Franklin, Saline, Williamson and Johnson shall compose a judicial circuit, to be called the twenty-sixth judicial circuit of the state of Illinois, and that circuit courts shall be holden at the respective county seats of said counties, at the times following: In the county of Johnson, on the second Mondays in March and first Mondays in August; in the county of Williamson, on the first Mondays following; in the county of Saline, on the second Mondays following; in the county of Franklin, on the second Mondays following, and continue in said last mentioned county until all the business shall be disposed of. All writs, subpoenas, recognizances and other process, which may have been or may be issued and made returnable to the terms of circuit courts, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the circuit courts in said counties, as herein required to be holden; and all notices which may have been given, or which shall be given, either by publication or otherwise, with reference to said terms, as heretofore required to be holden, shall, by force of this act, refer to the terms of the court required to be held under this act in said counties; and all proceedings pending in said court shall be taken up and proceeded with as if no alteration had been made in the times of holding said terms of court.

Election judge. for

§ 2. On the first Monday in March next, an election shall be held in said counties for a judge of said twenty-sixth judicial circuit, which shall be conducted and returns thereof made and certified and canvassed in the manner provided by the constitution and laws of this state. Said judge, when elected, shall hold his office until the next regular and general election for judges, as provided by the constitution, and until his successor is elected and qualified.

Powers.

§ 3. The said circuit judge, when elected, shall exercise all the powers, perform all the duties, and have all the jurisdiction and authority now had or heretofore to be required

of or exercised by circuit judges of this state, under the constitution and laws of this state.

§ 4. The state's attorney, elected at the last general election for state's attorney for the third judicial circuit, shall perform the duties of said office in the twenty-sixth judicial circuit, as established by this act.

State's attorney.

§ 5. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties; and the clerks of the county courts of said counties shall issue notices of the said election for judge, as aforesaid, to the sheriffs thereof, respectively; which notices shall be posted up by them in the several precincts, in all respects in like manner as provided in the constitution and laws of this state for holding general elections.

Notice of election.

§ 6. That the counties of Perry, Jackson, Union and Alexander shall compose the third judicial circuit of the state of Illinois, and the circuit courts of said counties shall be held at the respective county seats thereof, at the times following: In the county of Perry, on the fourth Mondays of April and the third Mondays of September; in the county of Jackson, on the third Tuesdays following; in the county of Union, on the second Tuesdays following; in the county of Alexander, on the second Tuesdays following, and continue in said last mentioned county until the business therein shall be disposed of. All writs, subpoenas, recognizances and other process, which may have been or may be issued and made returnable to the terms of courts in the last mentioned counties, as heretofore required by law to be holden, shall be deemed and taken to be returnable to the said terms of the courts, as required to be holden under this act; and all notices which may have been given or which may be given, either by publication or otherwise, to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of courts, as required to be holden by this act. And all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the time of holding said courts.

Third circuit.

Times of holding courts.

Process.

§ 7. On the first Monday in April next, an election for a state's attorney for said third judicial circuit shall be holden, which shall be conducted and returns thereof made and certified and canvassed in the manner provided in the constitution and laws of this state. Said state's attorney, when elected, shall hold his office until the next general election for state's attorneys, as provided by the constitution and laws of this state; shall discharge all the duties, and receive the like fees and compensation for services as such as appertain to said office by the constitution and laws of this state.

Election for state's attorney.

§ 8. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said

counties composing said third judicial circuit; and the clerks of the county courts of said counties shall issue notices for the said election to the sheriffs thereof, respectively; which notices shall be posted up by them in the several precincts, in all respects in like manner as provided by the constitution and laws of this state for holding general elections thereof.

§ 9. All acts and parts of acts conflicting with the provisions of this act shall be and the same are hereby repealed. This act to take effect and be in force from and after its passage.

APPROVED February 3, 1859.

AN ACT to establish the twenty-fifth judicial circuit, and to fix the time of holding courts in the fourth judicial circuit.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the counties of Crawford, Clay, Richland, Jasper and Lawrence shall constitute the twenty-fifth judicial circuit of Illinois.

§ 2. That circuit courts shall be held in said counties as follows, viz:

In the county of Lawrence, on the third Mondays in the months of April and September.

In the county of Crawford, on the second Mondays thereafter.

In the county of Jasper, on the second Mondays thereafter.

In the county of Clay, on the second Mondays thereafter.

In the county of Richland, on the second Mondays thereafter.

§ 3. That the counties of Coles, Edgar, Clark and Cumberland shall hereafter constitute the fourth judicial circuit, and courts shall be held in the several counties thereof as follows, viz:

In the county of Clark, on the first Mondays of March and September.

In the county of Coles, on the fourth Mondays thereafter.

In the county of Edgar, on the fourth Mondays thereafter.

In the county of Cumberland, on the fourth Mondays thereafter.

§ 4. All writs and other process and recognizance which may have been or may be issued and made returnable to the terms of the circuit courts in said counties, as heretofore required by law, shall be deemed and held to be returnable to said terms, as herein provided; and all notices which may have been given, either by publication or otherwise,

with reference to the terms, as heretofore required to be holden, shall, by force of this act, refer to the terms of the courts, as herein required to be holden in said counties; and all proceedings pending in said courts, as herein provided, shall be taken up and proceeded with as though no alteration had been made in the time of holding courts in said counties.

§ 5. *And be it further enacted, &c.,* That on the first Tuesday in April next, an election shall be held for one judge of the said twenty-fifth circuit; which election shall be conducted as by statute provided for general elections; which judge, when so elected, shall hold his office until the next general election for judges, as now provided by law. Election for judge.

§ 6. There shall be elected at the April election herein provided one prosecuting attorney, whose duties and compensation shall be the same as now provided by statute for said office, and whose term of office shall expire at the time by law provided for the election of prosecuting attorneys throughout the state. Election for state's attorney

§ 7. It shall be the duty of the secretary of state to cause a certified copy of this act, upon its adoption, to be transmitted to the clerks of the several circuit and county courts of each of the said counties in this act mentioned, and the clerks of the county courts of the respective counties embraced in the twenty-fifth circuit, as herein provided for, shall give notice for the election of such officers as are required to be elected by the third and fifth sections of this act; which notice shall be in conformity to the laws in regard to general elections. Notice of election.

§ 8. This act to take effect and be in force from and after its passage.

APPROVED, Feb. 1, 1859.

AN ACT to change the time of holding courts in the fifth judicial circuit.

In force February 8, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the terms of the circuit court in the fifth judicial circuit shall hereafter be held in the several counties composing said circuit, at the times following, viz: Fifth circuit.

In the county of Fulton, on the fourth Monday of February, the first Monday in June and the fourth Monday in September of each year. Time of holding courts.

In the county of McDonough, on the third Monday of March and the first Monday of September of each year.

In the county of Pike, on the second Monday of April, the first Monday of August, and the third Monday in November of each year.

In the county of Schuyler, on the first Monday of May and the third Monday of October of each year.

In the county of Brown, on the third Monday in May and the first Monday in November.

Process.

§ 2. All indictments, recognizances and suits, either of common law or in chancery, shall stand for hearing at the times herein specified for holding courts, the same as though no change had taken place; and all writs and other process, civil or criminal, shall be and they are hereby made returnable the same as if there had been no change in the time of holding said courts; and all returns heretofore made or that may hereafter be made, either according to this act or the acts hereby repealed, shall be taken to be returnable to the terms of court, as hereby fixed, and shall be legal and valid in all respects as if no change had taken place.

§ 3. All acts and parts of acts coming within the purview of this act and in conflict with the same be and they are hereby repealed.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 8, 1859.

In force February 19, 1859. AN ACT to fix the time of holding courts in the sixth circuit and to regulate the practice therein.

Sixth circuit.

Times of holding courts.

Day for motions, demurrers and arguments.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit courts of the [counties] composing the sixth judicial circuit shall be holden at the county seats of the respective counties, at the times following, viz:

In the county of Rock Island, on the second Monday of January, the second Monday of May, and the second Monday of September.

In the county of Henry, on the first Monday of March, and the second Monday of October.

§ 2. That for the purpose of facilitating the business of said courts, the judge of said circuit may, by an order to be filed in the clerk's office of said courts, set apart any number of days at the commencement of any term, for the hearing of motions, demurrers and arguments, the making up of issues, and the decision and disposition of all matters not requiring the intervention of a jury, and may in such order direct and fix the time in any such term at which jurors and witnesses shall be summoned to appear therein; of which order public notice shall be given by the clerk of said court, and summons for jurors and witnesses shall be made returnable accordingly.

§ 3. The judge of said circuit shall have full power to establish all such rules of practice, at law or in equity, as he may deem necessary to expedite the business of said court; which rules shall be binding and obligatory upon parties to suits and proceedings in said courts, from the time they shall be entered of record. And said judge may, by order entered of record at any term of said courts, appoint and fix any term or number of days at which he will hear at his chambers, general and special motions, arguments of demurrer and pleadings, arguments upon agreed cases, and for the making of all such interlocutory orders as may be necessary to expedite the proceedings in any cause in said court, and the granting of all such orders as may be required or necessary in the practice of said court. And any term of said court may be adjourned not only from day to day but to any day or time which said court may, by its order, appoint, but not beyond the first day of the next regular term in said circuit, as fixed by law.

Rules of practice.

Day for general and special motions, &c.

§ 4. That sections seven, eight and nine of the act of February 5th, 1857, establishing the twenty-second judicial circuit, and fixing the time for holding courts in the sixth circuit, of which act this is an amendment, and also sections three, four, five and six of "An act to fix the times of holding the circuit courts in the sixteenth judicial circuit and to regulate the practice therein," approved February 9th, 1855, are hereby continued in force and made applicable to the sixth judicial circuit and the courts thereof.

Sections continued in force.

§ 5. This act shall take effect and be in force from and after its passage; and the secretary of state is directed to have the same printed, and to transmit without delay fifty copies thereof to the clerk of each circuit court in the sixth judicial circuit.

Secretary of state to transmit copies.

APPROVED February 19, 1859.

AN ACT to amend an act entitled "An act declaring what counties shall compose the eighth judicial circuit, and fix the times of holding courts and regulate the practice in said circuit," approved February 11th, 1857.

In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the fall term of the circuit court in and for the county of Vermilion, in the eighth judicial circuit, shall be held on the first Monday of November.

Time of courts in Vermilion.

§ 2. All writs, subpoenas, recognizances, and other process, which may have been or which may be issued and made returnable to the fall term of the circuit court in said county, as heretofore required to be holden, shall be deemed and taken to be returnable to the said term of the said circuit court, as herein required to be holden; and all notices

Process.

which may have been given, either by publication or otherwise, with reference to the term, as heretofore required to be holden, shall, by force of this act, refer to the term of the court required to be held under this act in said county; and all proceedings pending in said court shall be taken up and proceeded with as if no alteration had been made in the time of holding said court.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force February 11, 1859. AN ACT to repeal a certain act herein named, and to establish the twenty-third judicial circuit.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to establish the twenty-third judicial circuit, and to fix the time for holding courts in the ninth judicial circuit," approved February 10, 1857, be and the same is hereby repealed.

Act repealed.

Bureau county.
Ninth circuit.

Times of holding courts.

Process.

§ 2. The county of Bureau shall be attached to and become a part of the ninth judicial circuit, and the circuit court shall be held at the county seats in the counties composing the said circuit, as follows: In the county of La Salle, as now provided by law; in the county of Bureau, on the first Mondays in January, July and October; and that all writs and other process which have been issued, returnable to any term of said circuit courts, or either of them, as heretofore fixed by law, shall be deemed and taken as returnable to the terms of said circuit courts, as fixed by this act; and all suits shall be tried in the same order and disposed of as if no change had been made in the terms of holding said courts.

Twenty-third circuit.

§ 3. That the counties of Marshall, Woodford and Putnam shall compose the twenty-third judicial circuit, and the circuit courts of said counties shall be held at the times following, to wit:

Times of holding courts.

In the county of Marshall, on the first Monday of May, first Monday of October, and on the fourth Monday of January.

In the county of Woodford, on the fourth Monday of May, and fourth Monday in October.

In the county of Putnam, on the second Monday in March and the fourth Monday in October.

Election for judge and state's attorney.

§ 4. There shall be an election held in said circuit, on the first Tuesday in April, for the election of a circuit judge and state's attorney for said circuit; which election shall be conducted and returns made and canvassed in the same man-

ner provided by the constitution and laws of this state. Said judge and state's attorney, when so elected, commissioned and qualified, shall hold their offices until the next general election of judges and state's attorneys, as provided by the constitution and laws, and until their successors shall be elected and qualified.

§ 5. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to the clerks of the circuit and county courts of said counties; and the clerks of the county courts of said counties shall issue notices of said election, which notices shall be posted up in the several townships or precincts in said counties, in like manner as is provided by law for holding general elections, and returns made and canvassed in the same manner. Notices of election.

§ 6. All writs, subpoenas, recognizances and process, which may have been issued out of and made returnable to the terms of the circuit courts, as hereinbefore required by law, in said counties of Marshall, Woodford and Putnam, shall be deemed and taken to be returnable to said terms of the courts, as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms, as hereinbefore required to be holden, by force of this act, refer to the terms of the court as herein required to be held; and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the terms of holding said courts. Process.

This act shall take effect and be in force from and after its passage.

APPROVED February 11, 1859.

AN ACT to fix the times of holding circuit courts in the county of Bureau.

In force February 12, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the times of holding the circuit courts for the county of Bureau shall be as follows, to-wit: On the second Monday of March, the third Monday of September, and the second Monday of December.

Times of courts

§ 2. All writs, subpoenas, recognizances and other process which may have been or may be issued to the terms of the circuit court in said county, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the circuit court in said county, as herein required to be holden; and all notices which may have been given, either by publication or otherwise, with reference to the terms, as heretofore required to be holden, shall, by Process.

force of this act, refer to the term of the court required to be held under this act in said county; and all proceedings pending in said court shall be taken up and proceeded with as if no alteration had been made in the times for holding said courts.

§ 3. This act to be in force from and after its passage.
APPROVED February 12, 1859.

In force February 18, 1859. AN ACT to change [the] times of holding circuit courts in the county of Kendall, in the ninth judicial circuit of the state of Illinois, and to regulate the practice therein.

Ninth circuit. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the circuit courts of the county of Kendall, in the ninth judicial circuit of this state, shall be holden at the county seat of said county, at the times following, to wit:

Times of holding courts. Spring terms, on the first Wednesdays following the first Monday of April in each year. Fall terms, on the first Monday of September of each year. Winter terms, on the second Monday of January in each year.

Judgment by confession. § 2. That judgment by confession may be entered in said court at any time in vacation, before the clerk, by filing the proper papers with the clerk; and such judgment shall have the same force and effect, from the time of entry, as if entered in term time.

Practice. § 3. That the practice in this court shall be the same in all respects as that in the thirteenth judicial circuit of this state, as regulated by act of the general assembly, and approved February 16th, 1857.

Process. § 4. That all writs and process issued out of said courts, previous to the passage of this act, returnable on the first Monday of April, 1859, shall be held as returnable on the day fixed by this act.

This act to be in force from and after its passage.

APPROVED February 18, 1859.

In force February 16, 1859. AN ACT to fix the time of holding courts in the tenth judicial circuit.

Tenth circuit. SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That hereafter the circuit courts in the counties composing the tenth judicial circuit shall be held as follows, to wit:

In the county of Mercer, on the third Mondays in April and first Mondays in September.

In the county of Knox, on the third Mondays in February and the fourth Mondays in September, and the first Monday of June, at which term no grand jury shall be summoned.

In the county of Warren, on the third Mondays in March and fourth Mondays in October.

In the county of Henderson, on the second Mondays in May and the fourth Mondays in November.

§ 2. All summonses, subpoenas, writs, notices, declarations in ejectment, bonds, recognizances, venires and process of every description, made and served for or returnable to the terms, as now fixed by law, shall be sufficient for the terms in the several counties respectively, occurring after the passage of this act, and be treated with like force and effect as if the same had been issued [and] made returnable to the said several terms, as herein provided for; and whenever the period of one year shall expire, from the rendition of any judgment in ejectment, before the terms herein fixed, whereby any party shall be prevented from making a motion to vacate the judgment, and for a new trial, under the laws of this state, it shall and may be lawful to make such motion at the term fixed first occurring after the expiration of such year, and the like proceedings shall be had therein as if the said motion had been made within one year from the rendition of such judgment. Process.
Judgments in
ejectment.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1859.

AN ACT to fix the terms of court in the several counties comprising the eleventh judicial circuit, to regulate practice and to repeal a certain act in relation to the court of chancery in Will county. In force Janary
26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be held four terms of the circuit court of Will county, annually. The said terms shall be held on the first Mondays of October, December and March, and the third Monday of May. Will county.

The terms of the circuit court for Grundy county shall be held on the fourth Monday of October, third Monday of February, and first Monday of May, annually. Grundy county

The terms of the DuPage county circuit court shall be held on the second Monday of November, and the third Monday of April, annually. DuPage county

§ 2. No grand or petit jury shall be summoned for the first week of the regular terms to be held in Will county, unless ordered by the judge, which may be done in term time or vacation. Juries.

§ 3. No grand jury shall be summoned for the December or May term of the circuit court of Will county or the February term in Grundy county, unless ordered by the judge, which may be done in term time or vacation.

Special terms.

§ 4. The judge of said circuit may appoint special terms of said courts, whenever he may deem it proper, for common law, chancery or criminal business, exclusively, at which terms either the grand or petit jury or both may be ordered or dispensed with, in the discretion of the judge.

Practice.

§ 5. The provisions of an act to regulate the practice in the circuit court of Cook county and the Cook county court of common pleas, approved February 12, 1853, and of an act to change the time of holding courts in the seventh and thirteenth judicial circuits and to regulate the practice therein, and in the Cook county court of common pleas, approved February 14th, 1857, not inconsistent with the provisions of this act, shall be applied to and be in force in said eleventh circuit, in relation to all suits now pending or hereafter brought therein, except sections eight, eleven and eighteen, of said first named act: *Provided*, that no part of said first named act shall be in force in the counties of Grundy and Du Page, except sections six, seven, fourteen, fifteen, seventeen, and nineteen: *Provided*, that nothing in this act shall be construed as requiring any docket fees whatever to be paid by suitors in any of the said courts of Grundy, Du Page or Will counties.

Rules of procedure.

§ 6. The rules of procedure for the first week of each regular term in said Will county, as nearly as may be, shall be the same as are prescribed in said acts for vacation terms; and the rules of procedure for the remainder of each regular term in Will county, after said first week, shall be the same, as nearly as may be, as are prescribed in said acts for trial terms, but process shall only be returnable to the first day of the first week of each of said terms.

Failure to summon juries.

§ 7. In case, from any cause, there shall have been a failure to summon grand and petit juries, or either of them, at any term for which such jury or juries are required by law to be summoned, the judge may order the same to be summoned forthwith by the sheriff, and the business of the court shall proceed in the same way as though said jury or juries had been summoned in the ordinary manner.

Process.

§ 8. All process, suits, recognizances and proceedings, in any of said courts, which have been or may hereafter be set for, continued or made returnable to the terms of said court, as heretofore existing, shall be deemed and taken to be set for, continued to and made returnable to the terms as prescribed by this act.

Act repealed.

§ 9. An act entitled "An act to define the time of holding circuit courts in the eleventh judicial circuit," approved January 21st, 1852, is hereby repealed.

§ 10. This act to take effect and be in force from and after its passage.

APPROVED January 26, 1859.

AN ACT to explain a certain act therein named.

In force February 2, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in an act entitled "An act to fix the terms of court in the several counties comprising the eleventh judicial circuit, to regulate practice and to repeal a certain act in relation to the court of chancery in Will county," approved January 26th, 1859, the words "February 14th, 1857," occurring in the fifth section thereof, shall be taken and deemed to mean "January 14th, 1857."

Act repealed.

§ 2. This act to be in force from and after its passage.
APPROVED February 2, 1859.

AN ACT to change the time of holding courts in the twelfth judicial circuit.

In force February 22, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time of holding the circuit court in the twelfth judicial circuit shall hereafter be as follows, viz:

Twelfth circuit.

In the county of White, on the Tuesdays before the first Mondays in April and September.

Times of holding courts.

In the county of Wabash, on the second Mondays in April and September.

In the county of Edwards, on the third Mondays in April and September.

In the county of Wayne, on the fourth Mondays in April and September.

In the county of Jefferson, on the second Mondays thereafter.

In the county of Hamilton, on the second Mondays thereafter.

§ 2. All writs, recognizances or other processes which have been or may be issued and made returnable to the terms of the circuit court in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to the said terms, as herein required to be holden; and all notices which may have been given, either by publication or otherwise, with reference to the terms, as heretofore required

Process.

to be holden, shall refer to the terms as herein requir
be held.

§ 3. This act shall take effect and be in force from and
after its passage.

APPROVED February 22, 1859.

In force Febru- AN ACT to change the time of holding courts in the thirteenth judicial circuit.
ary 4, 1859.

SECTION 1. *Be it enacted by the People of the State o
Illinois, represented in the General Assembly,* That hereafter
the circuit courts shall be held in said counties as follows:

Times of hold-
ing courts.

In the county of Kane, on the third Monday in February,
May and November.

In the county of Boone, on the second Monday in March
and September.

In the county of McHenry, on the third Monday in March,
October and December.

In the county of De Kalb, on the first Monday in Febru-
ary and fourth Monday in September.

Criminal and
civil business.

§ 2. The February and November terms of the Kane
circuit court shall be held for the transaction of civil and
criminal business; and all writs, recognizances and other
process and papers appertaining to criminal business shall
be made returnable to said term. The May term of said
court shall be held for the transaction of civil business only,
except in cases as now provided by law. And no rights
shall be prejudiced by the changes hereby made in the
terms of said courts, and all process, bail bonds, suits,
recognizances, indictments, and proceedings of every nature,
civil and criminal, shall be deemed to have been continued
or made returnable to the terms herein established, and the
same shall be proceeded in and have the like force and effect
as if so made returnable or continued.

Civil business.

Process.

McHenry, spe-
cial term.

§ 3. This act shall not be construed to change or affect
the special term of said court, now called in McHenry county,
for the month of February, 1859; and no grand jury shall
be summoned for the December term of said court in
McHenry county, unless ordered by the judge.

§ 4. This act shall take effect and be in force from and
after its passage.

APPROVED February 4, 1859.

In force April AN ACT regulating the terms of the circuit court for the county of Winnebago.
26, 1859.

Terms of Win-
nebago circuit
court.

SECTION 1. *Be it enacted by the People of the State of
Illinois, represented in the General Assembly,* That the terms
of the circuit court for the county of Winnebago shall be

holden on the first Monday in February, the third Monday in June and the fourth Monday in September, in each and every year, to continue until the business thereof shall be disposed of.

§ 2. One panel of twenty-four petit jurors shall be summoned for the second Monday, and a like panel for the third Monday of each term; and, during the first week of each term, chancery business and such common law business as does not require the intervention of a jury, shall be dispatched; and that the setting of causes for trial in the second week or any subsequent time in the term shall not prevent defaults from being taken and parties being required to plead to issue during the first week of the term. Juries, &c.

APPROVED February 24, 1859.

AN ACT to regulate the practice in the sixteenth judicial circuit, and to change the time of holding courts therein. In force February 7, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time of holding circuit courts of Peoria county, for criminal business, shall be on the first Monday of February, the first Monday in June and the first Monday in October, in each and every year; and the times of holding the civil terms of the circuit courts in said county of Peoria, shall be on the first Monday in March, the first Monday in May, and the third Monday in November, in each and every year. Times of holding courts.

§ 2. That the times of holding the circuit courts in the county of Stark shall be on the third Monday in April and the third Monday in September, in each and every year.

§ 3. All writs, subpoenas, recognizances and all other process or publication of notice, which may have been or may be issued and made returnable to the terms of the circuit courts, in said counties, as heretofore required to be held, shall be deemed and taken to be returnable to said terms of the circuit courts in said counties, as herein required to be held; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the times of holding said courts. Process.

§ 4. At any criminal term of the circuit court of Peoria county, it shall be lawful to naturalize foreigners, anything in the first section of "An act to fix the times of holding the circuit courts in the sixteenth judicial circuit and to regulate the practice therein," approved February 9th, 1855, to the contrary notwithstanding. Naturalization.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED February 7, 1859.

In force Feb. 4, AN ACT changing the time of holding the circuit courts in the seventeenth judicial circuit.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit courts in the seventeenth judicial circuit shall be held at the times hereinafter mentioned: In the county of Macon, on the first Monday of March, on the fourth Monday of July and the first Monday of November; in the county of Moultrie, on the third Mondays of March and September; in the county of Piatt, on the first Mondays thereafter; in the county of Fayette, on the first Mondays thereafter; in the county of Effingham, on the first Mondays thereafter; in the county of Shelby, on the first Mondays thereafter.

Times of holding courts.

§ 2. All writs, subpoenas and any other process which may have been or may be issued and made returnable to the terms of courts in the said circuit, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of courts, as required to be holden under this act. And all notices which may have been given, either of publication or otherwise, with reference to the terms, as heretofore required to be holden, shall, by force of this act, refer to the terms of courts so required to be holden under this act; and proceedings pending in any of said courts shall be taken up and disposed of according to law, as if no alteration had been made in the time of holding said courts.

Process.

§ 3. Upon the passage of this act, the secretary of state shall immediately thereafter transmit a copy thereof to each of the clerks of said courts.

Secretary of state to transmit copies.

§ 4. That in all cases and suits in said circuit, wherein defaults may be taken for want of a plea or defence, that the judge of said circuit shall be and he hereby is empowered to assess the damages claimed and due to the plaintiff, and to dispense with the calling of a jury for that purpose.

Damages in defaults.

§ 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. This act to take effect from and after its passage.

Acts repealed.

APPROVED February 4, 1859.

In force Feb. 12, 1859. AN ACT to establish the times of holding courts in the eighteenth judicial circuit.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the circuit courts in the several counties composing said circuit shall be held at the usual places of holding courts in said counties, as follows:

Times of holding courts.

In the county of Montgomery, on the third Mondays of March and September.

In the county of Macoupin, on the Mondays following.

In the county of Christian, on the second Mondays following.

In the county of Sangamon, on the second Mondays following, and on the fourth Mondays of August.

And in the county of Macoupin, on the second Monday of December in each year.

§ 2. *And be it further enacted*, That all writs, subpoenas, Process. recognizances and other process, which have been or may hereafter be issued, returnable to the terms of the circuit court in the said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to the terms of the circuit court in said counties, as herein required to be holden; and all notices which may have been given, either by publication or otherwise, with reference to the terms of the circuit court in the said counties, as heretofore required to be holden, shall, by force of this act, refer to the terms of the circuit court in the said counties, as required to be held under this act; and all proceedings now depending in the circuit courts of the said counties shall be taken up and proceeded with as if no alteration had been made in the times of holding said courts.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 12, 1859.

AN ACT to change the times of holding courts in the nineteenth judicial circuit. In force February 4, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That circuit courts shall be held at the county seats of the several counties composing the nineteenth judicial circuit at the times following, to wit: Nineteenth circuit.

In the county of Pulaski, on the second Monday in April and fourth Monday in August. Time of holding courts.

In the county of Massac, on the second Mondays following.

In the county of Pope, on the second Mondays following.

In the county of Hardin, on the second Mondays following.

In the county of Gallatin, on the second Mondays following, and to continue in session in the last named county indefinitely, at the discretion of the judge of said court.

§ 2. All writs, subpoenas and recognizances and other process which may have been or may be issued and made Process.

returnable to the terms of circuit courts, in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the circuit courts, in said counties, as herein required to be holden; and all notices which may have been given, either by publication or otherwise, with reference to the terms, as heretofore required to be holden, shall, by force of this act, refer to the terms of the courts required to be held under this act in said counties; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the times of holding said courts.

Secretary of
state to trans-
mit copy.

§ 3. It shall be the duty of the secretary of state, immediately upon the passage of this act, to cause a certified copy of the same to be transmitted to each of the clerks of the circuit court of the several counties in said circuit.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED Feb. 4, 1859.

In force Febru-
ary 12, 1859.

AN ACT to amend an act entitled "An act to establish the twentieth judicial circuit in the state of Illinois," approved February 7th, 1857.

Times of hold-
ing courts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the terms of the circuit court of the twentieth judicial circuit be and the same are hereby altered so that hereafter the regular terms for the county of Iroquois shall be as follows, to-wit: On the third Tuesday in February, on the second Tuesday of June and on the third Tuesday in November; and further, that the first regular term created by this act shall be holden on the first Tuesday in June, A. D. 1859. And that the regular terms for the county of Kankakee, in said circuit, be and the same are hereby altered, so that hereafter said terms shall be held on the second Monday of April, on the first Monday of September and on the first Monday of January of each year.

Grand jury.

§ 2. That the grand jury for said county of Iroquois shall not be summoned for the regular June and February terms, unless specially ordered by the judge of said circuit; nor shall the grand jury for said county of Kankakee be summoned for the April and September terms of said circuit, unless specially ordered by the judge of said circuit.

Process.

§ 3. That no rights shall [be] prejudiced by the changes herein made in the terms of said circuit court, and that all process, bail bonds, suits, recognizances, indictments and proceedings of every nature, civil and criminal, shall be deemed [to] have been continued or made returnable to the

terms herein established, and the same shall be proceeded in and have the like force and effect as if so made returnable or continued.

This act to take effect and be in force from and after its passage.

APPROVED February 12, 1859.

AN ACT entitled an act to repeal "An act to extend the jurisdiction of the county court of Tazewell county," approved February 16, 1857, and to change the time of holding courts in the twenty-first judicial circuit. In force January 15, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That an act entitled an act to extend the jurisdiction of the county court of Tazewell county, approved February 16, A. D. 1857, be and the same is hereby repealed, provided nothing herein contained shall operate in any manner to the prejudice of the rights acquired by any person or corporation in suits pending in said county court under the laws of this state, and all such suits shall be immediately transferred to the docket of the circuit court of said county of Tazewell and be there prosecuted to final termination in the same manner as though the same had been originally commenced in the said circuit court of said county. Act repealed.

§ 2. The clerk of the county court of said county of Tazewell shall and he is hereby authorized and required to transfer to the office of the clerk of the circuit court of said county all the books, records, processes and papers of every kind and character issued out of said county court, or now on the files thereof, by virtue of the act extending the jurisdiction of said county court, approved February 16, 1857, aforesaid; and the said clerk of the circuit court of Tazewell county is hereby authorized and required to receive all of said records, books and papers from the said clerk of the county court and file and preserve the same among the records of his office; and in all cases he is hereby required, when requested by the party to any suit, to issue new processes or executions, alias processes or executions, in all cases where said records and papers shall show that the said party would by law have been entitled to such process in the county court of Tazewell county, if the law aforesaid extending the jurisdiction thereof had not been repealed: *Provided*, nothing herein contained shall in any manner affect the rights acquired by any person or persons or corporation by virtue of any judgment heretofore obtained before said county court or any lien created thereby. Suits transferred to circuit court.

Clerk to transfer record.

New process.

Proviso.

Twenty-first
circuit.

§ 3. That the terms of the circuit court of the 21st judicial circuit shall, from and after the passage of this act, be holden as follows, to wit:

Times of hold-
ing courts.

In the county of Tazewell, on the first Monday of February in each year.

In the county of Mason, on the first Monday of March in each year.

In the county of Cass, on the second Monday thereafter.

In the county of Menard, on the second Monday thereafter.

In the county of Woodford, on the third Monday of April in each year.

In the county of Tazewell, on the fourth Monday in May in each year.

In the county of Mason, on the fourth Monday in June in each year.

In the county of Tazewell, on the first Monday in September in each year.

In the county of Cass, three weeks thereafter.

In the county of Menard, two weeks thereafter.

In the county of Mason, two weeks thereafter.

In the county of Woodford, two weeks thereafter.

Process,

§ 4. That no rights shall be prejudiced by the changes hereby made in the terms of said court; and that all process, bail-bonds, suits, recognizances, indictments and proceedings of every nature, civil and criminal, shall be deemed to have been continued or made returnable to the terms herein established, and the same shall be proceeded in and have the like force and effect as if so made returnable or continued.

§ 5. All writs, recognizances and process which may have been or may be issued and made returnable to the terms of court, in said counties, as now required to be holden, shall be deemed and taken to be returnable to the terms of said courts, as established by this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms heretofore established in said counties, shall, by force of this act, refer to the terms of court, as herein established; and all proceedings pending in courts of said counties shall be taken up, heard and disposed of at the several terms herein established, as if no alteration had been made in the times of holding said courts.

County court
process.

§ 6. All writs and process which may have been or may be issued, returnable to the county court of Tazewell county, as now required to be holden, shall be deemed and taken as returnable to the first term of the circuit court thereafter, as established hereby; and all notices shall be disposed of as is required in section fifth of this act.

§ 7. This act shall be in force from and after its passage.

APPROVED January 15, 1859.

AN ACT entitled an act to change the time of holding courts in the twenty-first judicial circuit. In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the terms of the twenty-first judicial circuit shall be held as follows, to wit: Times of holding courts.

In the county of Tazewell, on the first Mondays of February, June and September, of each year; and in the counties of Mason, Cass and Menard, as heretofore provided by law.

§ 2. All acts inconsistent with this act are hereby repealed, and this act to take effect from and after its passage. Acts repealed.

APPROVED February 19, 1859.

AN ACT to provide for the times of holding courts in the twenty-second judicial circuit, and to regulate practice therein. In force February 8, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That terms of the circuit court in the twenty-second judicial circuit shall be holden at the respective county seats of the several counties composing said circuit, at the times following, to wit: Twenty-second circuit.

In the county of Whiteside, on the third Monday in January and the third Monday in May and the second Monday in October. Times of holding courts.

In the county of Lee, on the second Monday in February, the first Monday in May and the fourth Monday in November.

In the county of Ogle, on the third Monday in March, the second Monday in June and the first Monday of November.

In the county of Carroll, on the first Monday of March and the fourth Monday of September.

§ 2. The said court shall always be open for the disposal of all matters in chancery, whether interlocutory or final, and shall possess all the powers in vacation which it could exercise in term time, subject to such rules and regulations, with respect to the practice, as it may from time to time adopt. *Provided,* That no final decree shall be entered up, except in term time. Powers in vacation. Proviso.

§ 3. The judge of said court may direct the petit jury for any term to be summoned to appear on any day of such term which he may think proper; and for any term or terms which may continue for more than two weeks, he may direct a second petit jury to be summoned, to be in attendance on the third Monday of each term. Petit jury.

§ 4. Judgments by confession may be rendered in vacation in any of the counties of said circuit, on filing with the Judgment by confession.

clerk of the circuit court in such county a declaration, power of attorney duly acknowledged or proved, and a cognovit, together with the instrument of writing on which such confession is made and judgment is entered, shall have the same force and effect as if entered in term time.

Defaults.

§ 5. In all cases where default shall have been taken in term time, the court may, in its discretion, without the intervention of a jury, assess the damages, and execution may issue forthwith upon the rendition of judgment.

Process.

§ 6. That all process issued or that may be issued in any of the counties composing said circuit, and made returnable at any time heretofore fixed by law, shall be returnable on the first day of the first terms, as herein above provided for, following the passage of this act.

Acts repealed.

§ 7. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

§ 8. This act to take effect and be in force from and after its passage.

APPROVED February 8, 1859.

In force February 11, 1859.

AN ACT to change the time of holding courts in the twenty-fourth judicial circuit.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the circuit courts shall be holden at the respective county seats of the counties composing the twenty-fourth judicial circuit, at the following times :

Twenty-fourth circuit.

Times of holding courts.

In the county of St. Clair, on the second Mondays in March and third Mondays in September.

In the county of Bond, on the third Monday in April and first Mondays in September.

And in the county of Madison, on the first Mondays in May and the third Mondays after the third Mondays in September.

Process.

§ 2. All writs and process which may have been or may be issued and made returnable to the terms of courts in said counties, as heretofore required to be held, shall be deemed and taken to be returnable to said terms of the courts, as required to be holden under this act; and all notices which may have been given or may be given, either by publication or otherwise, with reference to the terms, as heretofore required to be held, and all proceedings pending in said court shall be taken up and disposed of as if no alteration had been made in the time of holding said courts.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 11, 1859.

AN ACT entitled an act to establish a City Court in the City of Alton.

In force February 9, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be established in the city of Alton an inferior court of civil and criminal jurisdiction, which shall be a court of record, by the name of the "Alton City Court," and shall have concurrent jurisdiction, within the city of Alton, with the circuit court of Madison county, in all civil and criminal cases, except in cases of treason and murder.

Inferior court established.

Name.

Jurisdiction.

§ 2. The judge of said court shall be elected by the qualified voters of said city, and shall be commissioned by the governor, and shall hold his office for the term of six years and until his successor shall be commissioned and qualified, and shall possess the same powers as are vested in the judges of the circuit court, except as limited in this act.

Election of judge.

§ 3. An election for judge of said court shall be held on the first Tuesday in the month of March, A. D. 1859, and every six years thereafter. It shall be the duty of the clerk of the city of Alton to give notice of said election, in some newspaper published in the city of Alton, at least ten days previous to the day of election.

Time of election.

Notice.

§ 4. The common council of the city of Alton shall, by ordinance or resolution, designate at what place in said city the said election shall be held, and shall also appoint three judges of said election, who shall possess the same powers as provided in an ordinance entitled "An ordinance regulating the mode of holding general and special elections, in the city of Alton"; and the ballot-box and poll-book shall be returned to the common council in the manner provided by said ordinance, and canvassed in the same manner; and the clerk of the city of Alton, under the seal of the city, shall certify to the governor the number of votes received by each person for said office; and the person receiving the highest number of votes, as shown by the certificate of the said clerk, shall be commissioned by the governor as judge of said court: *Provided*, the validity of any such election or the right of any person declared duly elected may be contested in the manner prescribed by statute in other cases.

Place of election.

Ballot-box and poll-book.

Proviso.

§ 5. The judge shall be called "the Judge of the Alton City Court," and shall receive the same salary, from the state treasury, that is paid the respective judges of the circuit courts, to be paid in the same manner, and in addition thereto he shall receive the sum of not less than five hundred dollars, annually, to be paid quarterly out of the treasury of the city of Alton.

Style of judge.

Salary.

§ 6. Said court shall be holden at such place in the city of Alton as shall be provided by the common council of the city of Alton, and shall have a seal, to be provided by said city.

Place of court.

Seal.

- Clerk of court. § 7. The judge of said court shall appoint a clerk thereof, who shall hold his office for the term of four years; and, before entering upon the duties of his office, he shall take the same oath that is required to be taken by the clerks of the circuit courts, and shall also enter into bond, in a like sum as required of them, and he shall have the same power and authority, and perform the like duties, be subject to the same liabilities, and be entitled to the same fees as are or may be provided by law in relation to clerks of the circuit courts, and shall be removable from office in like manner as clerks of the circuit courts. He shall also have the power to issue marriage licenses; and all marriage licenses issued by him shall have the same force and effect as though issued by the clerk of the county court of Madison county; and all laws applicable to the clerk of the county court, in regard to marriage licenses, shall apply to the clerk of the Alton city court.
- Oath.
- Powers and duties.
- Power to issue marriage licenses.
- Process. § 8. The process of said court shall be tested in the [name] of the clerk thereof, and shall be issued and executed in the same manner as process from the circuit court of Madison county; and process out of said court may issue against a defendant or defendants, if found in said city of Alton, in all cases; and against a defendant or defendants, to the sheriff of the county where said defendant or defendants may reside, through the state, in cases where the plaintiff or plaintiffs reside in the city of Alton and when the debt, contract or cause of action accrued in the city of Alton, or when the contract may have been specifically made payable in the city of Alton; and in all cases where there are more than one defendant, and one of the defendants resides or may be found in the city of Alton, the plaintiff commencing his action in said court may have a writ or writs issued, directed to the sheriff of any county or counties where the other defendant or defendants, or any or either of them, may be found; and all criminal process shall run through the state as criminal process issued out of the circuit court.
- Lien. § 9. All orders, judgments and decrees of said court shall be a lien upon real estate in the city of Alton, from the rendition thereof, and shall be enforced and collected in the same manner as orders, judgments and decrees rendered in the circuit courts. And appeals and writs of error from the orders, judgments and decrees of said court may be taken to the supreme court, and shall be had in the same cases and taken and conducted in the same manner as is provided by the laws of this state for the taking of appeals and writs of error from the circuit courts: *Provided*, that the judge of said court shall have full power to establish all such rules of practice, at law or in equity, as he may think necessary to expedite the business of said court; which rules
- Appeals and writs of error.
- Proviso.

of practice shall be binding and obligatory upon the parties to suits in said court from the time they shall be entered of record.

§ 10. That in all cases in said court of judgments by default, Defaults. in actions *ex contractu*, the court may, without the intervention of a jury, assess the damages; and in all cases execution may issue forthwith upon the rendition of judgments: *Provided*, Proviso. the plaintiff in execution shall first file an affidavit of himself or some credible person that the benefit of his judgment will be in danger of being lost, unless execution issue forthwith; and all executions issued out of said court shall have the same lien within the city of Alton, upon personal property, of the defendant or defendants, from the time they shall be delivered to the sheriff or other officer, to be executed as though issued out of the circuit court.

§ 11. That judgments by confession may be entered in said court at any time in vacation, before the clerk, by filing the proper papers with the clerk; and such judgments shall have the same force and effect from the time of entry as if entered in term time. Judgments by confession.

§ 12. That said court shall always be open for the disposal of all matters in chancery, whether interlocutory or final, and shall possess all the power in vacation which it could exercise in term time, subject to such rules and regulations, with respect to the practice, as said court may from time to time adopt: *And provided, further*, that no final decree shall be entered up, unless when specially authorized by statute, except at a vacation or regular term of said court. Matters in chancery.

§ 13. The judge of said court shall hold two terms of said court in each year, commencing on the second Monday of April and September, and shall continue each term until all the business before the same is disposed of. The said judge shall have power to appoint special terms of said court, at such times as he may think proper, upon giving twenty days' notice thereof in some newspaper published in said city; and all orders, judgments and decrees and proceedings, made or had at such special terms, shall be as valid and effectual as if made or had at a regular term of said court; and suits may be instituted and process made returnable to said special term in the same manner and with like effect as at a regular term of said court; and he shall have the power, upon entering the proper order of record in said court, during any term thereof, to fix any number of days or times at which he will hear, at his chambers, general and special motions, arguments of demurrers, and arguments upon agreed cases, and for the making up of issues, and for the making of orders thereupon, and for the making of all such interlocutory orders as may be necessary to expedite the proceeding in any cause; and the said court shall always be considered open for hearing all matters and appli- Terms of court. Special terms

cation on the chancery side thereof, and the granting of all such orders as may be required or necessary in the practice of said court.

Recognizances. § 14. All recognizances, except in cases of treason and murder, taken before any judge, justice or magistrate residing in said city, in criminal cases, and when the offence shall be committed in the city of Alton, shall be made returnable to said court, and it shall be the duty of the officers taking the same to return all the papers in such criminal cases to the said court; and all fines, penalties and forfeitures had or taken in any proceeding in said court, shall inure to the benefit of said city, and shall, when collected, be paid into the city treasury.

Appeals and writs of certiorari. § 15. All appeals and writs of certiorari from the decisions of justices of the peace or other magistrates within said city, may be taken to said city court of Alton, and there be heard and determined as like cases in the circuit court.

Changes of venue. § 16. Change of venue in all cases may be taken from said court to the circuit court of Madison county, for the same causes and in the same manner as changes of venue are now by law allowed from the circuit courts; and when the petition shall allege that the inhabitants of Madison county are prejudiced against the petitioner, the change of venue shall be to the circuit court of some adjoining county where the causes of complaint do not exist: *Provided*, That if the judge of said court shall not be satisfied that said petition is true, the court may require the petition to be verified by the oath of some credible person, other than the party applying for such change of venue, and may require the reasons for the belief of the petitioner to be stated in the petition.

Proviso. § 17. The sheriff of the county of Madison shall perform the same duties, and have the same powers, and be liable to the same penalties in the said court as in the circuit courts, and shall be entitled to the like fees and compensation that now are or hereafter may be allowed for similar services in the circuit courts of this state, to be received, collected and paid in like manner as such fees now are or hereafter may be; and the sheriff of Madison county shall be required to appoint one or more deputies, who shall reside within the corporate limits of said city.

Sheriff. Fees. Deputies. Prosecuting attorney. § 18. The city attorney of the city of Alton shall be the prosecuting attorney of said court, whose powers, duties, fees and salary shall be the same as now provided by law, or shall hereafter be provided, in relation to prosecuting attorneys of the state, and be paid out of the state treasury in the same manner.

Grand and petit jurors. § 19. The grand and petit jurors of said court shall be selected from the qualified inhabitants of the said city of Alton, by the common council thereof, in the same manner that jurors are selected by the county court, at least fifteen

days before the sitting of the court; and the clerk of the city of Alton shall, within five days thereafter, certify to the clerk of said court a list, respectively, of the grand and petit jurors, whose duty it shall be at once to issue and deliver to the sheriff of Madison county a summons, as provided for jurors in the circuit courts, which jurors shall possess the same qualifications, and shall be liable to the same penalties and punishments, and have the benefit of the same excuses and exceptions as are imposed and allowed by the laws of this state to jurors in the circuit courts; shall take the same oaths, possess the same powers, and be governed in all their proceedings in the same manner as is prescribed, allowed and imposed in the case of jurors in the circuit courts: *Provided*, That the inhabitants of said city shall not be required to act as grand or petit jurors in the circuit court of Madison county: *And provided, further*, That the city of Alton shall be exempt from paying any part of the expenses of the circuit court of Madison county, from and after the first Monday of June, A. D. 1859.

§ 20. The jurors of said court shall receive, out of the city treasury, the same compensation that is allowed to the jurors of the circuit court, to be paid upon the certificate of the clerk of said court.

§ 21. The judge of said court may interchange with the judge of any circuit court in this state, with the same rights, duties and powers as are or may be conferred upon judges of the circuit courts of this state in like cases.

§ 22. In all cases in said court, where, by the laws of this state, offenders may be sentenced to the county jail, the said judge shall sentence such offenders to the city jail of the city of Alton; and all persons who may be committed by the magistrates or other officers of the city of Alton, for offenses committed in said city, shall be committed to said city jail, except in cases of treason; and the common council of the city of Alton shall provide for the support and maintenance of said city jail.

§ 23. Any vacancy in the office of judge of said court may be filled by election at such times and place as may be appointed by the common council of said city; and the person elected to fill such vacancy, shall hold his office until the next regular election for such offices, as provided by this act.

§ 24. That all docket and jury fees provided by law to be paid in cases ensuing in the circuit court shall be paid in all suits ensuing in said court, to the clerk thereof; and all persons instituting suits in said court, except by appeal, and persons in whose favor judgments shall be entered by confession, shall, before the filing of any papers or the issuing of process, pay to the clerk of said court the sum of two dollars, as appearance fee, which shall be paid by the clerk into the city treasury immediately after the adjournment of each

term of court; which sum of two dollars shall be taxed by the clerk, in the bill of costs, to the unsuccessful party. All expenses attending said court shall be paid by the city of Alton, except as otherwise provided by this act.

Expenses.

Repeal.

§ 25. This act shall not be so construed as to repeal, by implication or otherwise, or in any manner affect the existing jurisdiction of any inferior local court heretofore established under the provisions of the constitution and laws of this state; and the act entitled "An act to give a uniform organization and jurisdiction [to inferior courts of local jurisdiction [in the cities in this state," approved February 10, 1857, shall be made a part of this act as fully as if the same had been incorporated herein.

§ 26. This act is declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 9, 1859.

In force February 14, 1859. AN ACT to amend an act entitled "An act to incorporate the City of Aurora and to establish an Inferior Court therein," approved February 11th, 1857, and also, an act entitled "An act to establish a Court of Common Pleas in the City of Elgin," approved February 16th, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the acts in the title of this act mentioned be so amended that one judge shall hold each of said courts, and have all the powers and perform all the duties prescribed in each of said acts to which this is an amendment, as therein provided for the judge of the respective courts.

Acts amended.

Election.

§ 2. That an election shall be held in the cities of Aurora and Elgin, on the fourth Monday of February, A. D. 1859, by the qualified electors of each of said cities, for the election of such judge of said courts. Said election shall be conducted in the same manner that the city election of said cities, respectively, are conducted; the qualification of voters shall be the same; and the returns shall be made to the city clerk of the respective cities; and the mayors and city clerks of said cities, or a majority of them, shall constitute a board of canvassers, and shall meet at the city clerk's office, in the city of Aurora, within one week after said election, and proceed to canvass said votes; and the person having the highest number of votes shall be declared elected judge of said courts. And said canvassers shall certify said returns to the secretary of state, under the seal of said cities, or either of them; and said judge shall be commissioned by the governor. No person, except a person duly licensed to practice in the courts of record of this state, and who shall have attained the age of thirty years and not exceeding sixty

Qualification of voters.

Board of canvassers.

To certify returns.

Eligibility.

years, been five years a resident of the state of Illinois, and, at the time of his election, a resident of the county of Kane, shall be eligible to said office. The person elected shall hold his office for four years, and until his successor is elected and qualified; shall receive a salary of one thousand dollars per annum, payable quarterly, out of the state treasury, and, in addition thereto, shall receive the fees now provided in the acts to which this is an amendment; and the said judge, in all business appertaining to the court of common pleas of the city of Aurora, shall be known as the judge of the court of common pleas of the city of Aurora, and in all business appertaining to the court of common pleas of the city of Elgin, shall be known as the judge of the court of common pleas of the city of Elgin; and, before entering upon the duties of his office, shall take and subscribe an oath to perform the duties of judge of the court of common pleas of the city of Aurora, which shall be filed with the city clerk of said city of Aurora, and, also, an oath to perform the duties of judge of the court of common pleas of the city of Elgin, which shall be filed with the city clerk of said city of Elgin. And on the fourth Monday of February, every four years after said first election, an election shall be held for a judge of said courts; which shall be conducted in the same manner as the first election provided for in this act: *Provided*, that if, for any cause, an election shall not be held at the time herein specified, or in case of no choice in the election, then an election shall be called and held in the same manner provided for in case of vacancy, as specified in this act.

Term of office.

Salary.

Fees.

Style.

Oath.

Regular elections.

Proviso.

§ 3. The said judge shall have power to appoint, in each of said cities, a master in chancery, for the court of such city, who shall hold his office for the term of two years, and, before entering upon the duties of his office, shall give bonds, to be approved by such court, and shall take the same oath, have the same power, and perform the same duties, in their respective cities, as masters in chancery appointed by the circuit courts of this state do in their respective counties; and for his services shall receive such compensation as shall be allowed by law, or allowed by said courts, to be taxed as other costs.

Master in chancery.

§ 4. The state's attorney of the judicial circuit to which the county of Kane shall be attached shall be the state's attorney of each of said courts, and shall have all the rights, powers, and perform all the duties in said courts as appertain to his office as state's attorney of the circuit court. And the judge of said courts shall have power to appoint a state's attorney *pro tem.* for any of the causes that the circuit court or the judge thereof may appoint.

State's attorney.

§ 5. There shall be three terms of court held each year in each of said cities: In the city of Aurora, on the second Mondays of March, June and December, and in the city of

Terms of court

Special terms. Elgin, on the second Mondays of April, September and January; each of which terms shall be continued until all business shall be disposed of. Special terms of each of said courts may be held in the manner provided in the respective acts to which this is an amendment.

Vacancy. § 6. In case of a vacancy, by death, removal, resignation, or otherwise, in the office of judge, immediately upon the fact becoming known, it shall be the duty of the clerks of said courts to fix upon a time, within four weeks thereafter, for a new election of judge, and to give notice thereof, in their respective cities, at least ten days before said election, in a public newspaper in such city, or by posting up notices thereof in at least three public places in such city, for the same time; which election shall, in all respects, be conducted in the same manner as the election provided for in section 2 of this act.

Practice. § 7 That the act entitled "An act to regulate the practice in the thirteenth judicial circuit," approved February 16th, 1857, shall apply to said courts; and suits may be commenced and judgments recovered in said courts, of all matters within their jurisdiction, as is prescribed in said act for the circuit court in said circuit.

Circuit clerk of Kane county to keep a judgment docket. § 8. The clerk of the circuit court of Kane county shall provide and keep in his office a well bound book or books, for entering therein an alphabetical docket of all judgments and decrees rendered in said courts, as is now required by law for docketing judgments rendered in the circuit court, together with a column for specifying the court in which the same was rendered, and shall forthwith, upon the receipt of any certificate, as hereinafter mentioned, file the same and enter the statement or transcript from the judgment docket of such court upon the docket aforesaid, together with the name of the court in which the judgment and the hour, day of the month, and year of filing of said certificate. It shall be the duty of the clerks of said courts, respectively, upon application of the party in whose favor a judgment or decree shall have been rendered in such court, his agent or attorney, to make out a transcript from the judgment docket in his office of such judgment or decree, and certify under his seal of office, the same to be a correct statement from his docket of such judgment. Any judgment rendered in either of said courts shall not be a lien upon any real estate in said county of Kane until the filing of said certified transcript aforesaid in the office of said clerk of the circuit court, as above provided; and upon the filing of said certified transcript of any judgment or decree as above provided, by the clerk of the circuit court, such judgment or decree shall immediately become a lien upon all real estate in the county of Kane, in the same manner and to the same extent and like effect as judgments and decrees in the circuit court of said county now are: *Provided*, that all judgments and de-

Clerks to make transcripts. Judgment to become a lien on the filing transcript. Proviso.

rees rendered at any term of either of said courts, a certified transcript whereof shall be filed as aforesaid within five days after the adjournment of such court, shall have no preference or priority of lien over each other: *And provided further*, that all judgments entered in vacation, in either of said courts, shall be liens upon all real estate in said county from the time of filing such certified transcript as aforesaid. In addition to the fees now allowed by law, the clerks of said courts shall be entitled to charge and receive the sum of fifty cents for each certified transcript, as aforesaid, and the clerk of said circuit court shall be entitled to charge and receive the sum of fifty cents, to be taxed and collected as part of the costs of suit: *And provided further*, that any execution or attachment issued out of either of said courts and levied upon any real estate in said county shall be a lien upon such real estate from the time of filing a certificate thereof, in the manner provided in section 25, chapter LVII, Revised Statutes of 1845, in relation to judgments and executions.

Proviso.

Clerk's fees.

Proviso.

§ 9. That the present judges of said courts shall hold their respective offices and perform the duties now required of them until the election and qualification of judge under this amendatory act; and upon the election and qualification of such judge the tenure of office of said judges, under the acts to which this is an amendment, shall expire.

Present judges

§ 10. All writs, subpoenas, recognizances and other processes, which have been or may be issued out of and made returnable to the terms of the respective courts, as heretofore required by law, shall be deemed and taken returnable to the said terms of the courts, as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms heretofore required to be holden, shall, by force of this act, refer to the term of the courts, as herein required to be holden; and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the terms of holding said courts.

Process.

§ 11. There shall be charged and collected, as other costs, in each suit in said courts, a jury fee of three dollars, which shall be paid into the respective city treasuries as a jury fund. And hereafter compensation to jurors shall be paid as follows: For jury attending the trial of civil cases, out of the city treasuries respectively; and for criminal cases, out of the county treasury; and all fines and forfeitures collected in said courts, respectively, shall be paid into the county treasury, except for the violation of city ordinances.

Jury fee.

§. 12. *Be it further enacted*, That the provisions of an act entitled "An act to give uniform organization and jurisdiction to inferior courts of local jurisdiction in this state," approved February 10th, 1857, be and the same are hereby declared to be re-enacted and in full force as a part of this act.

Act continued in force.

Acts modified.

§ 13. That all and every part of said acts to which this is an amendment shall be and remain in full force, validity and effect, except those parts which are in conflict or inconsistent herewith, and those are so far modified as to be consistent with this act.

§ 14. This act to be in force from and after its passage.
APPROVED February 14, 1859.

In force February 14, 1859.

AN ACT to amend an act entitled "An act to establish the Court of Common Pleas of the City of Cairo."

Addition'l powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the court of common pleas of the city of Cairo, as the same was established and organized by virtue of the provisions of an act entitled "An act to establish the court of common pleas of the city of Cairo," approved February 6th, 1855, shall, in addition to the powers and jurisdiction conferred or intended to be conferred upon the same by said act, have and possess, within the city of Cairo, as the same now exists or hereafter may be extended, equal and concurrent powers and jurisdiction with the circuit courts of this state, as they now or may hereafter exist, except in cases of treason and murder; and the rules of practice, pleadings, and all other proceedings therein, as well as the presumptions of law relative thereto, shall be the same in every respect as are or may be those established by the laws and decisions of the supreme court of this state relative to or concerning the circuit courts of this state.

Addition'l powers of judge.

§ 2. *Be it further enacted,* That the judge of the said court of common pleas, heretofore appointed, commissioned and qualified, under and by virtue of the provisions of the said act of the general assembly, approved February 6th, 1855, as aforesaid, and his successors in office, in addition to the powers and jurisdiction conferred or intended to be conferred on them by said act, shall have and possess, in term time and in vacation, all such powers, authority and rights, except in cases above excepted, as are or hereafter may be by law vested in or conferred upon the judges of the circuit courts of this state; and in the exercise and enjoyment thereof shall be subject to the same rules and limitations as are or may be enacted for or with reference to the judges of the circuit courts aforesaid.

Judge may interchange with circuit judges.

§ 3. *Be it further enacted,* That said judge of said court of common pleas, and his successors in office, may, by agreement with any circuit judge of this state, interchange duties, and hold in each other's place, respectively, their respective

courts, or any circuit judge of this state may, upon request of the judge of the court of common pleas aforesaid, preside in and hold the court of common pleas aforesaid, during any term or part of term, as he may consent, and whilst sitting in said court the said circuit judge shall be limited in his power only by the exceptions above in this act mentioned. In like manner the judge of the court of common pleas aforesaid, and his successor, may, by mutual arrangement with any circuit court judge, hold and preside in the circuit courts of this state, and whilst so presiding shall have and exercise in said circuit courts all the powers of a circuit judge.

§ 4. *Be it further enacted,* That the state's attorney for the said court of common pleas heretofore appointed, commissioned and qualified, under and by virtue of the act approved February 6th, 1855, as aforesaid, and his successors in office, in addition to the powers and duties conferred or intended to be conferred by that act, shall have and possess the powers and perform all the duties within said city as the same now exists or hereafter may be extended, as are by the laws of this state incumbent upon the several state's attorneys of the several circuit courts of this state, and, in all respects, be upon an equal footing with the said circuit attorneys, and may interchange duties with them in like manner as they may with each other.

Addit'n'l powers of state's attorney.

May interchange duties.

§ 5. *Be it further enacted,* That the clerk of said court, now in office, or hereafter to be appointed, shall give bond, and in all respects perform the same duties, in the same manner, and be liable to the same extent as the clerks of the circuit court of this state; and for his services shall be entitled to the same fees [as are now] or may hereafter be established for like services done by clerks of the circuit court; and the tenure of said office shall be during the pleasure of the judge of said court of common pleas:

Clerk.

§ 6. *Be it further enacted,* That the marshal of the city of Cairo, for the time being, shall perform all such duties of, in and for said court of common pleas within said city as are now or may hereafter be by law performed by the sheriffs of the several counties of this state in and for the circuit courts; and, before entering upon the duties of his office for said court, he shall execute bond and qualify in the same manner as sheriffs of counties do, and receive fees in like manner as the sheriffs of the counties of this state, and may, in like manner as sheriffs, appoint a deputy: *Provided,* that the certificate of the deputy's appointment and qualification shall be filed with the clerk of the court of common pleas and recorded by him on the records of said court.

Marshal.

Proviso:

§ 7. *Be it further enacted,* That if, in any case, there shall hereafter be a vacancy in the office of marshal for said city, or if, in any case, the said marshal shall neglect or

Vacancy in the office of marshal, &c.

refuse to perform any duty in connection with or relating to said court, the sheriff of Alexander county, by himself or deputy, upon application of the party interested to him, shall be and is hereby required to perform the same, subject to all such penalties and liabilities, in case of his failure or neglect, in any respect, as if like services or duties had been required of and neglected by him in and for the circuit court; and whenever any process shall come to his hands, or possession, to be executed, he shall execute and make return thereof to the said court, in like manner as he is or may be by law required to do for the circuit court; or the judge of said court of common pleas may, in term time or vacation, in case said marshal neglect or refuse to perform any duty, make an order requiring the sheriff of said county to act as aforesaid, in and for said court, and, upon the same being delivered to or served on said sheriff, he shall, in all respects, by himself or deputy, conform thereto, so far as the exigencies of said court and order of said judge may require him so to do; and, for his services performed under this provision, said sheriff shall be entitled to fees, the same as if like services has been rendered for the circuit court, to be collected and paid in like manner.

Process.

§ 8. *Be it further enacted*, That the processes of said court shall issue under the seal thereof, and be tested in the name of the clerk and returned in like manner as similar processes emanating from the circuit courts. Said process shall be directed to the officer authorized by law to execute the same, and with respect to all matters, suits, prosecutions and proceedings, in said city shall run, be executed and returned with like effect as other similar processes issued by local inferior courts within the cities of this state do now or hereafter may, by virtue of the laws of this state.

Bailiff.

§ 9. *Be it further enacted*, That whenever the judge of said court shall deem it for the public good, or whenever the interests of suitors in said court make it necessary, he may, either in term time or vacation, appoint a bailiff or bailiffs, who shall, for the time being, discharge the duties of marshal or sheriff of said court: *Provided, however*, that no bailiff shall be appointed to act for a longer period than three months; and the same shall be specified in the order of appointment: *And provided, further*, that any bailiff, so appointed, shall qualify and give bond in the same manner as sheriffs are required by law to do.

Lien.

§ 10. All judgments, decrees and orders of said court, lawfully made, shall have the same force and effect and within said city shall operate as a lien in all such cases and to the same extent as similar judgments, decrees and orders of the circuit courts do within the counties where rendered. And any party to any of said judgments, decrees or orders, shall have the right to acquire liens on the property of judgment debtors situated out of the limits of said city in the

same manner as such liens may be acquired under and by virtue of similar orders, judgments and decrees of the circuit court, where property is out of the county in which the same is rendered.

§ 11. *Be it further enacted*, That in all criminal cases, Imprisonment. where the defendant shall be convicted in said court of common pleas of any offense punishable by law with fine and imprisonment in the county jail, or imprisonment only, it shall be lawful for the defendant to be sentenced by said court to imprisonment in the city prison or jail of the city of Cairo, in like manner as the circuit court could for similar offence sentence defendants to imprisonment in the county jail, and whilst so imprisoned, shall be subject to the ordinances of the city of Cairo.

§ 12. *Be it further enacted*, That in case any vacancy Vacancies. shall happen in the office of judge or state's attorney of said court of common pleas. by the resignation, death, or any other cause, of the present judge and state's attorney, or their successors in office, the same shall be filled by the legal voters of said city of Cairo, as it now exists or may hereafter be extended, at an election, to be held for that purpose, to be called in the same manner as in the case of vacancies in the office of judge of the circuit courts of this state.

§ 13. *Be it further enacted*, That all the parts of the Acts repealed. act to which this is an amendment, which are inconsistent with the provisions of this act, be and the same are hereby repealed; and all parts of said act, not inconsistent herewith, are hereby re-enacted and continued in full force and effect.

§ 14. *Be it further enacted*, That all fines assessed in Fines. the court of common pleas of the city of Cairo shall be collected by the proper officers of said court and paid over to the city authorities of said city in the same manner as fines assessed by the circuit court are now by law collected and paid to the county authorities, and the same may be used and appropriated by said city as other revenues are.

§ 15. *Be it further enacted*, That this act shall be in Act in force. force from and after its passage, and shall not be construed to affect or in any manner repeal any acts or parts of acts relative to any other court in this state, nor shall this act or any part thereof be repealed by implication.

§ 16. *Be it further enacted*, That the provisions of an Acts continued act entitled "An act to give uniform organization and jurisdiction to inferior courts of local jurisdiction in this state," approved February 10th, 1857, be and the same are hereby declared to be re-enacted and in full force as a part of this act.

§ 17. *Be it further enacted*, That in all cases of forcible Forcible entry and detainer. entry and detainer or of forcible detainer brought within said city of Cairo, either party appealing may, as he may prefer, appeal to the circuit court of Alexander county or to the said court of common pleas.

APPROVED February 14, 1859.

In force February 21, 1859. AN ACT to amend an act entitled "An act to establish the Cook County Court," approved February 21st, A. D. 1845, and for other purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the court known as the Cook county court of common pleas is hereby continued, with all its powers, jurisdiction and authority, and with the additional jurisdiction conferred by this act. It shall be composed of three justices, and shall be hereafter known as the "Superior Court of Chicago." The present judge of said Cook county court of common pleas shall, during the time for which he was elected, be one of the judges of said court.

§ 2. That on the first Tuesday of April, A. D. 1859, an election shall be held in Cook county, at which election there shall be chosen two judges of the said superior court, who shall severally hold their offices for the length of time herein provided, to wit: the person having the greatest number of votes at said election for judge shall hold his office for six years, and the person having the next highest number of votes shall hold his office for four years, and until his successor is elected and qualified. That on the first Tuesday of April, A. D. 1861, and every two years thereafter, there shall be elected one judge of said court, who shall hold his office for the term of six years, and until his successor shall be elected and qualified; and all vacancies in the office of judge of said court shall be filled as now provided by law.

§ 3. There shall also be elected, at the same time and place, and in the same manner, two additional clerks of said court, who shall be styled deputy clerks, and who shall each hold their office for the length of time herein provided, to wit: the person having the greatest number of votes at said election for deputy clerk of said court shall hold his office for six years, and the person having next to the highest number of votes shall hold his office for four years. That on the first Tuesday of April, A. D. 1861, and every two years thereafter, there shall be elected one clerk or deputy clerk, who shall hold his office for the term of six years, and until his successor shall be elected and qualified; all vacancies to be filled as now provided by law. The said deputy clerks shall, with the present clerk, do and perform all the duties now performed by the present clerk, and shall each of them, as near as may be performed, perform an equal share of the clerical duties to be performed in said court, and shall each pay an equal proportion of the necessary expenses of any and all additional clerk hire or other necessary expenses, and the fees now provided by law to be paid to the clerk of said court shall be equally divided between the present clerk and the two deputy clerks elected under the provisions of this act. All process, records and proceedings shall be tested in the name of the chief clerk and his succes-

sor in office. Said court may give directions as to the division of the labors and duties of said clerks, and may require the performance of such duties.

§ 4. The said election shall be conducted and the returns thereof made in all respects as now provided by law for the election of judge and clerk of said court of common pleas, and the judges who shall be duly elected shall be commissioned by the governor. Returns.

§ 5. Before entering upon the duties of the their respective offices, the persons so chosen shall take the usual oath of office before the clerk of said court. Oath.

§ 6. There shall be paid to each of said additional judges, out of the state treasury, the same salary that is paid to the present judge of said court; and the fees to which the present judge of said court, from and after April 1st, 1859, may be entitled by law, and all docket fees shall be paid into the hands of the treasurer of the county of Cook at the end of each quarter: *And it is further provided*, that the clerk of the circuit court of Cook county shall pay over to the treasurer of Cook county all judge's fees and docket fees received or collected by him at the end of each and every quarter, commencing on the first day of April, A. D. 1859; all of which fees shall be held by the said treasurer as a separate fund for the payment of the judges, and shall be divided by the said treasurer equally between the judge of the circuit court and the three judges of the superior court, giving to each of said judges one fourth part of said fees at the end of every quarter. Salaries.
ees.

§ 7. All the powers now vested in the present judge of said Cook county court of common pleas, by virtue of the laws of this state, relative to any legal or equitable proceedings, are hereby also given to each of the additional judges; and any proceedings commenced by one of said judges may in his absence be continued, decided or perfected by either of the said judges; either of said judges shall have the same power to hold the said court, or either branch thereof that the present judge now has by law. Powers.

§ 8. The said court shall be held in the court house in the city of Chicago, or at such other convenient place in the said city as the board of supervisors of Cook county or the city council of Chicago shall provide; and the different judges of said court may hold one or more courts at the same time at different places, provided that it shall be the duty of at least one of said judges to attend daily at all reasonable hours in the judge's chambers for the dispatch of chamber business. Place of holding courts.

§ 9. Said court shall be held on the first Monday of every month, and the terms thereof shall respectively be called after the different months in which they are held, and said court may be continued and held from the time of its commencement, every day, Sundays, excepted, until and Terms of court.

including the last Saturday of the same month, and longer, if necessary, to complete the trial of any cause then on trial. The judges of said court, or a majority of them, may adjourn the same on any day previous to the expiration of the term for which the same may be held, and also from any one day in term over to any other day in the same term, if in their opinion the business of the court will admit thereof.

Powers.

§ 10. Each of said judges may exercise all the powers and authority incident to their offices at chambers touching any suit, judgment or proceeding in said court in as full manner as the present judge now can by law.

May hold
courts in dif-
ferent places.

§ 11. Either of said judges of said court may hold the same for the trial of causes at law or in chancery, and one or more of them may hold court at the same time in different places, as the judges of said court may direct; but all cases and points reserved at trials, bills of exception and demurrers to evidence, motions in arrest of judgment, and issues in law, may be argued or submitted in the said court before a majority of the said judges, provided that demurrers to pleadings may be heard and determined by either of said judges, in court or at chambers.

Distribution of
duties.

§ 12. The judges of said superior court may sit separately, or otherwise, as may be required by the state of business in said court, and when sitting together, the oldest judge, by commission, shall preside, and shall be styled "the Chief Justice;" and they shall so arrange their business as to require each judge to do, as near as may be, an equal share of official duty, and may classify and distribute the business between themselves, and fix and determine the times of holding their special or adjourned sessions so that they may not conflict with each other, and may adopt such rules of practice as may be necessary for the correct transaction of business, and so as to make the practice act for that court consistent herewith, if found in any manner inconsistent.

Rules of prac-
tice.

Masters in
chancery, re-
ceivers, &c.

§ 13. Said court shall have power to appoint masters in chancery, receivers, and other officers necessary to facilitate its business, who shall hold their offices during the pleasure of said court, and shall be required to execute good and sufficient bonds, in such penalties as said court shall direct, and conditioned for the faithful discharge of their duties, and to pay over all moneys coming to their hands as such officers when by said court.

Seal.

§ 14. Said court shall have a seal, to be provided by the secretary of state, at the expense of the state, having the same device as the seal of the court of common pleas, except that there shall be engraved around the margin thereof the words "Superior Court of Chicago," instead of the words "The Cook County Court of Common Pleas;" and until such new seal is provided the present seal may be used.

Process.

§ 15. The process of said court shall have the seal affixed, and be tested, directed, served and returned, and be in form

as now provided by law, varying only in the style of the court, and to conform to this act; and appeals may be taken and writs of error prosecuted, as now provided by law; and all laws now in force relating to said Cook county court of common pleas and not inconsistent herewith, shall continue in force and be applicable to said court, as reorganized by this act.

§ 16. Said court, or a majority of the judges thereof, may make any and all necessary orders for the summoning of grand or petit jurors to attend at any term or terms of court, as said court or judges may think proper or necessary. Grand or petit jurors.

§ 17. That the vacation terms of the circuit court of Cook county shall hereafter be held on the third Monday of March and the second Monday of October; and the trial terms of said court on the second Monday of April, fourth Monday of May, third Monday of June, second Monday of July, first Monday of September, third Monday of November, first Monday of January and the third Monday of February, in each year. All writs and process heretofore issued from said circuit court, returnable to any of the terms, as heretofore fixed by law, shall be deemed and taken to be returnable to the term fixed by this act next succeeding the return day fixed in said writ or process. Vacation terms of the circuit court.

§ 18. The court, as at present organized, shall continue in force until after the election and qualification of the judges hereinbefore provided for. This act shall take effect and be in force from and after its passage. Present court.

APPROVED February 17, 1859.

AN ACT to establish Recorder's Courts in the cities of LaSalle and Peru. In force Feb'y 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be established in each of the cities of La Salle and Peru an inferior court of civil and criminal jurisdiction, which shall be courts of record, by the names of "The Recorder's Court of the City of La Salle," and "The Recorder's Court of the City of Peru," and said courts shall have concurrent jurisdiction, within their respective cities, with the circuit court, in all civil and criminal cases, except treason and murder. Said courts and the judge and clerks thereof shall, respectively, have the like power, authority and jurisdiction, and perform the like duties as the circuit court and the judges and clerks thereof, in relation to all matters, suits, prosecutions and proceedings, within the cities of La Salle and Peru, respectively, so far as the same are not otherwise limited by law. Said judge shall be elected by Courts estab-
lished.
Jurisdiction.
Judge and
clerks to be
elected

- the qualified voters of the two cities, in such manner as the city councils of said cities may direct, and shall, when duly elected and qualified, be judge of each of said courts, and the clerks of said courts shall be elected by the qualified voters of their respective cities; and the said judge and the said clerks shall hold their offices for five years, and until their successors are elected and qualified. The first election shall be held on the first Tuesday of March, A. D. eighteen hundred and sixty-three, and like election shall be held every five years thereafter. The person having the highest number of votes for said offices, respectively, shall be declared elected thereto, and shall be commissioned by the governor: *Provided*, the governor may, by and with the advice and consent of the senate, appoint a judge for said courts, and who shall have power to appoint the clerks of said courts, and they may respectively hold said offices until their successors are elected and qualified.
- First election.**
- Proviso.**
- Style.** § 2. The judge shall be called "the Judge of the Recorder's Court of La Salle and Peru," and shall receive an annual salary of five hundred dollars, to be paid quarterly from the state treasury, as judge of each of said courts, and shall receive the like fees, in addition thereto, as is received by the recorder of the city of Chicago, to be paid and collected in the same manner as the fees of the last named judge are paid and collected; and the duties, compensation and liabilities of the clerks of said courts shall be the same as are now established by law in relation to the clerk of the recorder's court of the city of Chicago.
- Salary and fees**
- Seals.** § 3. The said recorder's court, in the cities aforesaid, shall have seals, to be provided by the respective cities in which they are located; and said courts shall be held at such places in each city, respectively, as the common council thereof may provide; and the expense thereof, except as is herein otherwise provided for, shall be paid by said cities respectively.
- Process.** § 4. The process of said courts shall be tested in the name of the clerk issuing the same.
- Recognizances.** § 5. All recognizances, except in cases of treason and murder, taken before any judge, justice or magistrate, in said cities, in criminal cases, shall be made returnable to the recorder's court to be held therein; and it shall be the duty of the officers taking the same to return all papers in such criminal cases to said court; and all fines, penalties and forfeitures had or taken in any such criminal proceedings, shall inure to the benefit of the city wherein the proceedings were had, and shall, when collected, be paid into the treasury thereof.
- Appeals.** § 6. All appeals from justices of the peace, within said cities, shall be taken into and disposed of by the recorder's court of said city where the appeal was taken: *Provided*, That when a term of the circuit court shall intervene be-
- Proviso.**

tween the taking of such appeals and the next term of the recorder's court of said city, it shall be optional with the appellant to take his appeal to either of said courts.

§ 7. The state's attorney of the judicial circuit in which said cities are situated, shall be the prosecuting attorney of said courts, and for his services therein shall receive an additional compensation of one hundred dollars for attending each of said courts and discharging the duties pertaining to his office therein, per annum, to be paid out of the same fund and in the same manner as his salary as state's attorney for the circuit court is paid. Prosecuting attorney.

§ 8. The sheriff of La Salle county shall perform the same duties and have the same powers and be liable to the same penalties in each of said courts as in the circuit; and said sheriff and the clerks of said courts shall respectively be entitled to the like fees in all civil and criminal cases as are now allowed by law for similar services in the circuit court in criminal cases, to be collected out of the defendant, if convicted: *Provided*, That if the defendant has no property on which to levy, the said fees shall be paid out of the city treasuries, respectively. Sheriff. Proviso.

§ 9. The grand and petit jurors for said courts, respectively, shall be selected from the voters of said cities, who have paid a city tax for the preceding year, in the following manner: The city councils of said cities shall annually select one hundred names, who are qualified to act as jurors, and who are not exempt from such service, from the list of such voters, and transmit the same to the clerks of their respective courts, who shall keep a record thereof in a book to be provided for that purpose, and deposit such names upon separate pieces of paper in a jury-box, from which he shall draw the names of the grand and petit jurors in the presence of the judge of said courts, the sheriff or his deputy, and such persons as may see fit to attend, at least ten days before each term of said courts, notices of the time and place of such drawing having been given by said clerks, by posting the same upon the door of the office for five days immediately preceding such drawing: *Provided*, That the name of no person shall be put into said box who has been drawn as a juror therefrom for the preceding year; nor shall the names drawn therefrom in any year be replaced in said box during said year, but the names put in said box shall be annually renewed: *Provided*, That if, for any cause, said grand and petit jurors shall not be selected and drawn in the manner aforesaid, or in case of vacancies in the panel thereof, or of the exhaustion of the same, said court may direct the same to be summoned by the sheriff, as now provided by law. All venires for jurors in said courts shall be issued by the respective clerks thereof and executed by the sheriff, as in other cases; and all laws in relation to jurors, their compensation, duties, powers, authority and proceedings, as far Grand and petit jurors. Proviso. Proviso.

as not inconsistent with the provisions of this act, shall be applied to each of said courts: *Provided*, That all docket fees, now or hereafter allowed by law, shall be paid into the city treasuries of the respective cities; and said cities shall pay the petit jurors and said courts such sum as they may think proper, and no pay is to be allowed them from the county treasury.

Changes of venue. § 10. Changes of venue, in all cases, civil and criminal, may be taken from either of said courts to the circuit court of La Salle county, when the party praying for such change of venue, or his attorney, shall make affidavit that in his or her belief justice and a fair and impartial trial requires such change of venue, stating in such affidavit the particular facts and circumstances upon which such belief is founded, and no other or further change of venue shall be allowed.

Appeals and writs of error. § 11. Appeals may be taken and writs of error prosecuted from said courts to the supreme court, in the same manner as is now provided by law in relation to appeals and writs of error from the circuit court to the supreme court.

Regular terms. § 12. The regular terms of said courts, shall be held as follows: The recorder's [court] of the city of La Salle shall be held on the first Mondays of January, April, July and October, in each year; and the recorder's court of the city of Peru shall be held on the third Mondays of March, June, September and December: *Provided*, that the common councils of said cities may notify the judge of said courts before the close of any term of the court in their city, "that it is their wish that the next succeeding term of said court should not be held;" in which case the judge shall cause an order to be entered on the records of said court that there shall be no court held there at the next succeeding term; which said order shall have the same effect for that particular year at which it is entered as though said term was abolished by law. And all suits, matters and proceedings in said court, not otherwise disposed of, shall go over to the next term to be held; and all suits, matters and proceedings thereafter commenced for the next term, shall be entitled as of the next term to be held.

Proviso. § 13. Any vacancies in the office of judge or clerk, in either of said courts, may be filled as follows: The judge, by appointment of the governor, and the clerks, by the appointment of the judge until after the first election for those officers, as provided for by this act; and after that, by election, in such manner as the common council of said cities may respectively direct; and the person or persons entitled to fill such vacancies, when duly qualified, shall hold their respective offices until the next regular election and until their successors are duly elected and qualified: *Provided*, also, that a clerk, *pro tem*, may be appointed by the judge, when he shall deem it necessary.

Vacancies.

§ 14. In case the state's attorney shall fail, at any time, to attend to the business properly belonging to his office, in either of said courts, the judge may appoint a state's attorney, *pro tem*, who shall receive for his services such compensation as is allowed to the state's attorney under the provision of act this. State's attorney pro tem.

§ 15. The proceedings and practice in said courts shall conform, as near as may be, to the proceedings and practice in the circuit court. Practice.

§ 16. All judgments, decrees and proceedings in said courts shall be liens in like manner and to like extent as the same in the circuit court; and all sales of property, made by virtue of any process of either of said courts, shall be made at the place of holding the court out of which the same issued. Liens.

§ 17. The clerk of each of said courts shall certify, under the seal of his court, to the treasurer of LaSalle county, the amount due each grand jurymen who may have served as such in their respective courts; which said certificate shall be delivered to said treasurer, within twenty days after the close of each term; and it shall also be their duty, within twenty days after the close of each term of said courts, to certify, in like manner, to the Recorder of La Salle county, a list containing a brief description of all judgments and decrees rendered during the last term of their court, and the recorder shall enter the same on the books of his office, for which service he shall be entitled to receive the sum of twenty-five cents for each and every judgment or decree so certified, to be paid by the clerk certifying the list: *Provided*, that the said clerks need not certify any judgment or decree until he receives or has tendered to him the sum of twenty-five cents for the recorder and a like sum for his own services; and no judgment or decree rendered in either of said courts shall be a lien on real estate after twenty days from the end of each term, until they are certified to the recorder. Jury fees.
Clerks certify judgments.

§ 18. The city councils of said cities, respectively, shall provide the proper books and stationery for the use of their respective courts, and a suitable prison or jail for the safe keeping of prisoners; and all laws in relation to keeping prisoners and sending convicts to the penitentiary, not inconsistent with the provisions of this act, shall apply to prisons and convicts held under the process of said courts. Books and stationery.
Prison.

§ 19. There shall not be any grand jury called for either of said counties, except at the January term of the LaSalle court and the March term of the Peru court: *Provided*, the judge may, at any term of either of said courts, by the proper order entered upon the records of said court, cause a special grand jury to be summoned. Grand jury.

§ 20. The act entitled "An act to give a uniform organization and jurisdiction to inferior courts of local juris- Act incorporated.

diction in the cities in this state," approved February 10, 1857, shall be a part of this act, as fully as if the said act had been expressly incorporated in and made a part of this act.

§ 21. This act shall be a public act, and be in force from its passage.

APPROVED February 19, 1859.

In force February 21, 1859.

AN ACT to reform the Probate System.

Jurisdiction in dower granted. **Commissioners to assign dower.** **Books.** **Form.**

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county courts of this state, judicially sitting, shall have concurrent jurisdiction with the circuit courts of this state, in the assignment of dower, in cases where petition is presented for the sale of real estate to pay debts, and that where a petition is presented for the sale of the real estate of a deceased, to pay debts, and it appears that there is a dower interest in the land sought to be sold, it shall be lawful for the court, on the petition of the person entitled to dower, or administrator of the estate of said deceased to appoint commissioners to assign dower in such real estate, to the person entitled thereto, in the same manner as is now provided by law for the assignment of dower by commissioners, by the circuit courts of this state.

§ 2. *Be it further enacted,* That the county clerks of this state shall each provide a well bound book, with proper headings, and neatly ruled, (where the same is not already provided,) to be called a "Docket," in which they shall enter all the unsettled estates in their office—the name of the administrator; the date of the letters of administration; the amount of the bond, and the names of the securities thereto; the names of the heirs and widow, when known; the time of filing inventory and sale bill, and amount of sale bill—leaving a sufficient margin for remarks. Said book to be prepared substantially in the following form:

Names of dece'd and administrator.	Date of Letters.	Amount of bond, and names of securities.	Widow and heirs.	When inventory and sale bill filed, and am't of sale bill.	Remarks.
John Doe, dec'd. Richard Roe, administrator.	February 20, 1859.	Amount of bond, \$5,000. Securities— John Smith, Thomas Johnson.	A B, C D, E F, &c.	May 1st, 1859. Sale bill, \$2,000.	

The docket shall have an alphabetical index, in which shall be entered each estate, and the page upon which it is docketed.

§ 3. That whenever a person having a claim against an estate shall fail to present the same for adjustment at the term of court selected by the administrator, it shall be the duty of said person, if he wish to prosecute said claim, to file a copy thereof with the proper county clerk, with an order for a summons to the administrator. It shall be the duty of the clerk, upon the filing of such copy and order, to issue a summons, directed to the sheriff of the county, requiring such administrator to appear and defend said claim at a term of court therein specified, which summons, when served, shall be sufficient notice to the administrator of the presentation of said claim: *Provided*, the same was served ten days before the return day thereof; in which event, the court may, in the absence of the administrator, proceed to determine said cause. In case ten days' notice is not given, then said cause shall be continued until the next term of the court, unless the administrator is willing to go into the trial thereof. Claims.
Proviso.

§ 4. It is hereby made the duty of the several county clerks of this state to provide a well bound book, to be called "Judgment Docket," with proper headings, and neatly ruled, in which shall be entered all claims filed against estates, in the order in which they are filed, setting forth the name of the claimant and of the estate against which the same is filed; the nature and amount of the claim; if summons was issued thereon, when and where returnable, with sufficient margin opposite each claim for the judgment of the court; which book shall be prepared and kept substantially in the following form: Judgm't dock-
et.

Names of claimant and estate.	Nature and amount of claim.	Memorandum as to summons and notice.	Judgment of Court.	Form.
A B, claimant, vs. C D, administrator of E F, deceased.	(Amount of note or account, as the case may be.)	(When summons issued, and when served, or the term of court selected by administrator, as the case may be.)		

When a claim is filed, docketed, and service had upon the administrator, the court shall, at the term to which the summons is made returnable, proceed to hear evidence and determine the merits of the claim, unless by good cause shown by either party, the case is continued until the next term of the court: *Provided*, no person making claim against Proviso.

the estate of any testator or intestate shall be permitted to prove the same by his or her own oath, except at the term of the court at which the administrator gives notice for the presentation of claims, when if no objections be made to said claim at said term, by the administrator or others interested in said estate, the claimant may be permitted to swear that such claim is just and unpaid, after allowing all just credits. It is hereby made the duty of the court to call the entire docket at each term of the court, and make such orders in each case as will insure a speedy adjustment of the claim, and may dismiss claims for want of prosecution.

Index. § 5. The judgment docket shall have an alphabetical index kept by the clerk, both direct and indirect—the direct memorandum in the index to show the name of the claimant, the name of the estate, and the page upon which the claim will be found—the indirect memorandum in the index shall merely be the name of the estate, opposite which shall be set down the various pages upon which judgments are entered, either against or for the estate.

Books to be kept. § 6. It shall be the duty of the county clerks of this state to provide well bound books for the following purposes: One in which shall be recorded executors' and administrators' bonds, and bonds of guardians; one in which shall be recorded all inventories and sale bills of estates; and also a book, to be called a "Ledger," in which shall be kept the accounts of all executors, administrators and guardians—the debit side to be made up of all items with which the executor, administrator or guardian is charged, with a memorandum opposite each item of charge, of the book and page in which the original entry is made; the credit side shall be made up of all sums properly paid by the executor, administrator or guardian, under the laws of this state, which have been allowed by the court; opposite each item of credit a like memorandum shall be made, showing the book and page where the original entry is to be found. Each of the books required to be kept by this section shall have an alphabetical index, with proper entries, so that the contents may be readily found. The county clerks of this state shall, as heretofore, keep a journal of the proceedings of the court. All settlements made by executors, administrators or guardians, shall be entered in the journal. The journal shall have a copious alphabetical index of all entries made therein.

Form. Failure to provide books. § 7. A failure upon the part of any county clerk to provide the books required in this act, and keep the same in the manner prescribed, may be taken and deemed by the court as a contempt, and punished accordingly.

Fees. § 8. For issuing the summons required by section three of this act, the clerks shall be entitled to twenty-five cents; sheriff's shall be entitled to twenty-five cents for serving and returning the same, and five cents per mile for necessary travel in going to the residence of the administrator; the cost

of issuing summons, and of serving the same, to be paid by the claimant.

§ 9. Before letters of administration shall hereafter be issued, the person applying for the same shall make and file an affidavit with the proper county clerk, setting forth, as near as may be, the date of the death of the deceased, the probable amount of the personal estate, and the names of the heirs and widow, if known. Affidavit.

§ 10. It is hereby made the duty of the county courts of this state to enforce the settlement of estates within the time now prescribed by law; and upon the failure of an executor or administrator to come forward and make settlement at the next term of the court after the expiration of said time, the court shall order a citation to issue, requiring said executor or administrator to appear at the next term of the court, and make settlement of the estate, or show cause why the same is not done; and if an executor or administrator fail to appear at the time required by said citation, the court shall order an attachment, requiring the sheriff of the county to bring the body of said executor or administrator before the court, at a call term, to be fixed by the court; and upon a failure of an administrator or executor to make settlement under the orders of the court, after having been so attached, he may be dealt with as for contempt, and shall be forthwith removed by the court, and some discreet person appointed in his stead as administrator or executor of the estate. The costs of such citation or attachment to be paid by such delinquent executor or administrator, and the court shall enter up a judgment therefor on the journal of said court, and a fee-bill may issue thereon. Citation.

§ 11. The terms of the county courts of this state for the transaction of probate business shall be held on the third Monday's of each month, instead of on the first Monday's of each month. Terms of court.

§ 12. Section ninety-five of chapter one hundred and ten, entitled "Wills," of the Revised Statutes of 1845, is hereby amended so as to require executors and administrators to fix upon a term of court, within six months from the granting of letters testamentary or of administration, for the adjustment of claims against estates. Revised Statutes amended.

§ 13. This act shall be construed to include both administrators and executors where either are mentioned. Meaning of act.

§ 14. This act shall take effect and be in force from and after the first day of June next.

APPROVED February 21, 1859.

In force February 24, 1859. AN ACT to amend "An act establishing County Courts," approved February 12, 1849, and to extend the jurisdiction of the County Court of Vermilion County.

Additional powers granted.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, in addition to the powers heretofore granted and conferred upon the county courts of this state, the county court of Vermilion county shall have concurrent jurisdiction with the circuit courts of this state of all matters, suits and proceedings in civil cases at common law, or arising under the statutes of this state, where the amount in controversy shall not exceed five hundred dollars, exclusive of interest and costs, except in cases of libel, slander and the action of ejectment; and the judge of said county court shall have the same powers in vacation as are vested in the judges of the circuit courts of this state.

Writs and process.

§ 2. The writs and process of said county court shall be issued and executed in the same manner as the writs and process of the circuit courts of this state, and the rules, proceedings and practice, not herein otherwise provided for, shall conform, as near as may be, to the rules, proceedings and practice of said circuit courts; and all orders and judgments of said county court shall have the same lien, force and effect, in all respects, as those of the circuit courts of this state, and shall be collected and enforced, in all respects, as those of said circuit courts in similar cases.

Practice.

Lien.

Terms of court.

§ 3. There shall be two terms of said county court held in said county in each year, for the transaction of the business with the jurisdiction whereof it is hereby vested; which said terms shall commence on the fourth Mondays of July and January in each year; and each term shall continue until all the business before said court is disposed of; but no terms hereby provided for shall be held to change the regular monthly terms of said court now provided by law for the transaction of probate business. If the judge of said court shall not attend before four o'clock in the afternoon of the day when said court should be held, the sheriff shall adjourn said court till the next day; and if the said judge shall not attend before six o'clock P. M. of said second day, the sheriff shall adjourn the court, without day; and all business shall stand continued until the next semi-annual term of said court.

Traverse juries

§ 4. Traverse juries of said court shall be selected by the board of supervisors of said county, in the manner provided by law for the selection of jurors for the circuit courts, and shall possess the same qualifications and be liable to the same penalties and punishments; have the same benefit of the same excuses and exemptions; shall take the same oaths and possess the same powers, and be governed in all their proceedings in the same manner as is prescribed, allowed and imposed in the case of jurors in the circuit courts.

§ 5. The clerk, jurors, sheriff, and other officers of said court, and witnesses, shall receive the several fees and compensation that now are or hereafter may be allowed for similar services and attendance in the circuit courts of this state, to be received, collected and paid in like manner as such fees now are or hereafter shall be: *Provided*, that said clerk shall receive no per diem allowance while said court is in session for the transaction of business at said semi-annual term.

Fees of officers.

Proviso.

§ 6. Appeals and proceedings in the nature of appeals and writs of *certiorari*, taken and prosecuted from the decisions and judgments of justices of the peace and other inferior tribunals in said county, shall be taken to and prosecuted out of said county court, in the same manner as such appeals are now taken to and writs of *certiorari* are now prosecuted out of the circuit courts of this state: *Provided*, that when a regular term of the circuit court of said county shall intervene between the time of rendering judgment or decision and the next semi-annual term of said county court, said appeal may be taken to or writ sued out of either the circuit or county court: *Provided, further*, that all appeals taken from the judgments of said county judge, while acting as justice of the peace, shall be taken to the circuit court of said county.

Appeals and writs of certiorari.

Proviso.

Proviso.

§ 7. Appeals and writs of error may be prosecuted from all final orders and judgments of said county court, to the circuit court of said county—except in cases of judgment confessed—in the same manner as appeals and writs of error are prosecuted from the circuit courts of this state to the supreme court; but no writ of error shall be granted unless the same shall be applied for within six months after the rendition of the order and judgment complained of.

Appeals and writs of error.

§ 8. The proceedings and practice in taking and prosecuting such appeals and writs of error, shall be the same as are provided in cases of appeals and writs of error from the circuit courts to the supreme court of this state, excepting that the writs of error shall be allowed by the judge of said circuit court; and in hearing and rendering judgments upon said appeal cases and cases in error, said circuit court shall be governed by the same rules as the supreme court upon the trials of appeals and writs of error: *Provided*, that in all appeals from said county court to the said circuit court, the appellant shall lodge in the office of the clerk of the circuit court an authentic copy of the record in said cause, on or before the first day of the next term of said circuit court.

Practice.

Proviso.

§ 9. The county judge of said county shall hold said semi-annual terms of court, herein established, at the court house in said county, and shall receive the same sum now by law allowed judges for holding the county court. And there shall be taxed and collected as costs, as in other cases, in every suit or proceeding in said county court, the follow-

Terms of court.

Costs.

ing sums, viz: In every suit begun by writ, three dollars; in each appeal case, two dollars; in every judgment by confession, one dollar, if said judgment does not exceed one hundred dollars; two dollars, if said judgment confessed exceeds one hundred dollars, and does not exceed three hundred dollars; and three dollars, if said judgment by confession exceeds three hundred dollars; all which costs shall be taxed to and collected from the party against whom judgment shall be rendered, and, when collected, shall be paid over to the judge of said court as his compensation, in addition to the sum now allowed by law: *Provided*, that nothing herein contained shall be construed to apply to probate business transacted at the regular monthly terms of said court.

Proviso.

Changes of
c.

§ 10. Changes of venue shall be allowed in all cases pending in said court, as follows: To the circuit court of said Vermilion county, where the party applying for such change shall make affidavit that the judge of said county court is so prejudiced against him that he believes he can not have an impartial trial before him; and in the manner now provided by law to the circuit court of some other county or circuit, when the application shall be founded on any other cause by law allowed for changes of venue in such cases.

Partition and
chancery.

§ 11. Nothing in this act contained shall be construed to give to said county court jurisdiction in proceedings for partition of real estate or of cases of the nature of chancery proceedings, other than those of which said court now has jurisdiction.

Causes to be
apportioned.

§ 12. It shall be the duty of the clerk of said county court to set and apportion the causes, at the said semi-annual terms, for as many days of the term as he may think necessary or be directed by the judge; and all subpoenas for witnesses shall be made returnable on the day on which the cause in which the witnesses are to be called is set for trial.

Provisions ex-
tended.

§ 13. The provisions of this act shall be extended to the counties of Warren, Bureau and Iroquois, and be in force and apply to said counties of Warren and Iroquois and Bureau in the same manner and to the same extent as in said county of Vermilion.

§ 14. This act to take effect from its passage.

APPROVED February 24, 1859.

In force March
1, 1859.

AN ACT to extend the jurisdiction of the County Court of Bond County.

Jurisdiction.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the county court of Bond county, when sitting for probate*

business, shall have concurrent jurisdiction with the circuit courts of this state in all suits or actions in assumpsit or debt, in suits or applications for the assignment of widows' dower in the lands of their deceased husbands, in suits of petition for partition of lands, and applications of guardians for the sale of lands of minors for the support and education of said minors.

§ 2. The process of said court shall be issued by the clerk of said court, under the seal thereof, and directed to the sheriff of the proper county, and executed as now provided by law for the execution of process issued out of the circuit courts of this state. And the practice and proceedings in said county court shall be the same as in the circuit courts of this state in similar cases. And all orders, judgments and decrees of said court shall be of the same force and have the same effect upon real and personal property which orders, judgments or decrees made or rendered by the circuit courts of this state now or may hereafter have by law. Process.
Practice.

§ 3. Appeals and writs of error may be prosecuted from the final orders, judgments and decrees of said court, to the supreme court of this state, in the same manner that appeals and writs of error are taken from the circuit courts of this state. Appeals and writs of error.

§ 4. All appeals from the final decisions and judgments made or rendered by the justices of the peace of said county of Bond, in civil suits, may be taken to said county court. Appeals from justices.

§ 5. The clerk of said court, the sheriff and other officers of said court, shall receive the several fees and compensations that now are or hereafter may be allowed by law for similar services in the circuit courts of this state; and each juror sworn in said court, on making affidavit of service, during the term, shall be entitled to fifty cents in each case, and mileage at the rate of five cents per mile, going and returning from his residence to the county seat, which shall be taxed and collected as other costs are taxed and collected. Fees of officers.

§ 6. Said county court shall have power to prescribe all rules and regulations for the selection, summoning and empanelling jurors for the trial of all cases provided for in this act. Jurors.

§ 7. Any person or party to any suit or proceeding in said court may apply in said county court for a change of venue to the circuit court of said county of Bond, on filing in said county court a petition, under oath, setting forth that he, she or they verily believe that the county judge of said county of Bond is so prejudiced against him, her or them that he, she or they cannot have a fair and impartial trial in said county court, the said county judge shall thereupon grant a change of venue to the circuit court of said Bond Changes of venue.

county. And said cause shall thereupon be set down for trial in said circuit court the same as if originally instituted therein. And the clerk of said county court, within twenty days after the adjournment of any term of said county court, at which such change of venue shall be granted, shall make a perfect transcript of all the proceedings had in said case in said county court, which shall be certified as true and correct by the clerk of said county court, under the seal of said county court, which, together with all the papers appertaining to said suit, shall, within the said twenty days, be returned by said clerk of said county court to the circuit clerk's office of said county, and said suit shall be by said circuit clerk docketed as original suits are docketed in said circuit court, and shall be tried in said circuit court as suits instituted therein are tried.

Docket fee.

§ 8. The clerk of said county court shall tax and collect a docket fee of one dollar and fifty cents in each suit or proceeding heard and determined in said court, under the authority as provided for by this act, which docket fee, when collected, shall be paid over to the county judge of said county, in addition to the compensation now allowed him by law. All of which costs and fees made or accruing in any proceeding or suit had in said court under or by virtue of this act may be collected of the party or parties making the said costs, by execution or fee bill issued by the clerk of said county court.

Powers in vacation.

§ 9. *And be it further enacted*, That the county judge of said county of Bond may hear and determine, in vacation, all applications for discharge from imprisonment for debt, as provided for by chapter LII of the Revised Laws of Illinois, and shall cause the proceedings therein to be recorded on the records of said court at the next ensuing term of said court held for probate business.

This act to take effect and be in force from and after the first day of March next, A. D. 1859.

Certified copy.

§ 10. *And be it further enacted*, That the secretary of state transmit to the clerk of the county court of said county of Bond, immediately, a copy of this act, with a certificate from under his hand, with the seal of state attached.

APPROVED February 19, 1859.

In force April 26, 1859. AN ACT to fix the time of holding terms of the County Court of Boone County.

Terms of court.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly*, That the terms of said county court of Boone, for jurisdiction of common law and chancery cases, shall be held in the county of Boone

on the first Monday of June and on the first Monday of December, in each and every year, and at no other times.

§ 2. All appeals taken in said county from before justices of the peace shall be taken to the county court of said county, when a term thereof shall be held by law prior to the term of the circuit court of said county, and after the expiration of twenty days from the rendition of the judgment before the said justice of the peace; and in case a term of the circuit court of said county shall be held after twenty days from the rendition of said judgment by such justice of the peace and prior to the term of the county court of said county, then such appeals shall be taken to said circuit court. Appeals from justices.

§ 3. Jurors for the terms of court above fixed shall be selected and summoned as provided for by law as to circuit court. Jurors.

§ 4. All acts and parts of acts inconsistent with this law are hereby repealed. Acts repealed.

APPROVED February 18, 1859.

AN ACT extending the jurisdiction and regulating the practice in the County Court of Lake County. In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the jurisdiction of the county court of Lake county is hereby so extended as that said court shall have concurrent jurisdiction with the circuit courts of this state of all matters and suits at common law and by statute, and shall have jurisdiction of all misdemeanors punishable by fine only, when the amount of penalty does not exceed one hundred dollars. Jurisdiction extended.

§ 2. Whenever either party to a suit in said court shall file his petition, verified by affidavit, stating his belief that he cannot have a fair trial in said court, by reason of the prejudice of the judge of said court against the party filing said petition, or by reason of the prejudice of the people of said county against such petitioner, it shall be the duty of the judge of said court to change the venue of such suit to the circuit court of said county, if the cause alleged for said change of venue shall be prejudice of said judge against said party, and to the circuit court of the nearest county where such prejudice does not exist, if such petition for change of venue shall assign as cause therefor the prejudice of the people of said county; and in cases of petition for change of venue the court shall be governed by the rules of practice of the circuit courts in similar cases. Change of venue.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1859.

In force Febru- AN ACT to repeal certain acts extending the jurisdiction of the County C
ary 19, 1859. of Carroll, Lee and Whiteside counties.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act
Acts repealed. to amend an act entitled an act to establish county courts, approved February 12, 1849, and extending the jurisdiction of the La Salle, Winnebago, Boone and McHenry county courts, approved February 27th, 1854, extending the jurisdiction of the Carroll county court, approved February 14th, 1857, be and the same is hereby repealed; but this section shall not be so construed as to affect the jurisdiction of any county court in this state, except the county court of Carroll county.

Venue chang- § 2. That the venue of all actions and suits, at common
ed. law or equity, now pending in said Carroll county court, be and the same is hereby changed to the circuit court of said county of Carroll; and the clerk of the county court of said Carroll county is hereby directed and required to transmit and deliver all the papers on file in his office pertaining to such actions and suits pending in said county court to the clerk of the circuit court of said county; and said clerk of the circuit court shall docket said suits on the circuit court docket, and may issue any additional process which may be necessary to the final disposition of such actions and suits, the same as if such actions and suits had been originally commenced in said circuit court. And the circuit court of said county shall proceed to the final disposition and adjudication of such actions and suits the same as if they had been originally commenced in said circuit court.

Process. § 3. *And be it further enacted,* That all processes, writs, &c., returnable to the March term, A. D. 1859, of said Carroll county court, be deemed and they are hereby made returnable to the March term, A. D. 1859, of the circuit court of said county; and all actions and suits continued to the March term, A. D. 1859, of said county court, shall be deemed and held continued to the March term, A. D. 1859, of the circuit court of said county.

Judgment Judgment liens. § 4. That in all cases where final judgment has been rendered in said county court in any action or suit therein, such judgment shall remain and continue a lien against the lands and tenements of the judgment debtor the same as if this act had not been enacted; and that the clerk of the

county court may continue to issue executions or alias executions and fee bills, for costs, upon all such judgments; and such executions and fee bills shall have the same force and effect as if this act had not been enacted.

§ 5. That with the papers in the 2d section of this act directed to be delivered by the county clerk of said county to the clerk of the circuit court thereof, such papers shall be accompanied with a certified transcript of all orders entered in each of such actions and suits, together with a bill of all costs that have accrued in the county court in such actions and suits; which costs, together with county clerk's fees, at the rate of ten cents for every one hundred words, for such certified transcript, and fifty cents for the certificate to such transcript; which cost and fees shall be taxed by the clerk of the circuit court against the party to such actions and suit, against whom judgment for costs shall be rendered by the circuit court.

Certified transcript.

§ 6. That cases formerly pending in said county court, which have been or may hereafter be taken to the supreme court of the state of Illinois, by writ of error or by appeal, the supreme court, if it shall remand such case or cases for trial *de novo*, said supreme court shall remand such case or cases to the circuit court of said county; and said circuit court shall proceed with such case or cases the same as if such case or cases were formerly pending in such circuit court.

Cases to be remanded to circuit court.

§ 7. *And be it further enacted*, That an act entitled "An act to amend an act establishing county courts, approved February 12, 1849, and extending the jurisdiction of the county courts of the counties of Lee and Whiteside," approved February 18th, 1857, be and the same is hereby repealed; and that all of the foregoing provisions of this act, providing for the disposition of the cases pending, books, files and records of the Carroll county court, be and the same are hereby held to apply to the cases, books, files and records of the county court of Whiteside county.

Acts repealed.

§ 8. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT to provide for the compensation of the County Judge of Cook County. In force February 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the board of supervisors of Cook county shall, in addition to the compensation otherwise provided by law, allow and pay to the county judge of said county, such reasonable salary

Additional salary.

per annum as they may think just and proper, whic salary, when fixed by said board, shall be payable quarterly, out of the county treasury, on the order of the county clerk upon the treasurer of said county.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 18, 1859.

In force Febru- AN ACT to provide for the compensation of the County Judge of Cook County.
ary 24, 1859.

Additional sal-
ary.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The board of supervisors of Cook county shall, in addition to the compensation otherwise provided by law, allow and pay to the county judge of said county such reasonable salary, per annum, as they may think just and proper; which salary, when fixed by said board, shall be payable, quarterly, out of the county treasury, on the order of the county clerk upon the treasurer of said county.

Shall not be
reduced.

§ 2. That whenever any sum shall have been appropriated or allowed by the said supervisors to the said county judge, or by any municipal corporation in said county, to the use and benefit of any judge or recorder, such sum shall not be reduced during the term for which such judge or recorder shall have been elected.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force April AN ACT providing for the draining and reclamation of certain lands in Mason
26, 1859. county.

Special tax.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the state and county tax, there shall be levied and collected, in the year 1859, a sufficient special tax for draining the same, on the following lands, within the county of Mason, to wit: Sections five, six, seven, eight, the west half of seventeen, sections eighteen, nineteen, the west half of sections twenty and twenty-nine, and section thirty, in township twenty, north, range eight west of the 3d principal meridian, and sections nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three, in township twenty-one, north, range eight west of the third

principal meridian, and the east half of the southeast quarter of section twelve, the east half of section thirteen, sections twenty-four, twenty-five and thirty-six, in township twenty, north, range nine west of the third principal meridian.

§ 2. For the purpose of carrying out the intentions of this act, James M. Ruggles, Charles S. Thompson and John H. Nettler, are hereby appointed commissioners, whose duty it shall be to employ a competent engineer to make surveys, plans and estimates, for the drainage of the lands above described, and to let such works, in whole or in parts, to the lowest responsible bidders, after having given at least twenty days printed notice of the time and place of letting; to collect, receive, and disburse the taxes herein provided for, and to superintend the work until completed, and to pay contractors therefor. Commissioners

§ 3. Patrick W. Campbell, Thomas Ainsworth and such other disinterested person as they may associate with them, are hereby appointed to classify the lands above described, into three classes, placing that portion most to be benefitted by drainage in the first class, and that which is least benefitted in the third class, and the return of such classification to be made to the commissioners aforementioned, on or before the first Monday of April next. P. W. Campbell and T. Ainsworth, to classify lands.

§ 4. It shall be the duty of the commissioners, as soon thereafter as may be, to levy upon the lands before described, a sufficient tax to complete the drainage of said land, according to estimate of engineer, and to pay all other necessary expenses—such tax to be levied according to classification, (the first class paying the highest rate of taxation,) and which shall be a per centage on the assessment of the county assessor for the year 1859, and in no case exceeding fifty cents per acre. The second class shall be such a per centage on said assessment as shall in no case exceed forty cents per acre, and the third class shall be at such rate as shall not in any case exceed thirty cents per acre. Tax to be levied.

§ 5. Said commissioners shall make return of such assessment, on or before the first Monday of September next, to the county clerk of Mason county, whose duty it shall be to put down said tax in a separate column on the collector's book, and the collector shall proceed to collect the delinquent tax aforesaid as other state or county taxes. Return of assessment.

§ 6. For the purpose of prosecuting said work, the commissioners may proceed to collect said tax as soon as the assessment is completed, and their receipt, or that of their appointed agent or collector, shall be a complete discharge of all liability or claim for such tax. tax.

§ 7. Said commissioners shall have the power to secure the right of way over any lands in Mason county, for making such ditches and embankments as may be necessary to drain the lands aforesaid, by condemning the right of way and Right of way.

paying damages according to the provisions of laws now in force for securing right of way for public roads and highways.

§ 8. Said commissioners are hereby required to make and execute a bond to the county clerk, for the use of the county of Mason, for the full amount of the taxes assessed, conditioned that they will faithfully perform their duties as commissioners under this act; and for a failure to perform such duties, or to pay over all moneys received, they shall forfeit and pay into the county treasury double the amount of such defalcation.

Election.

§ 9. The commissioners named in this act shall give at least ten days notice for an election to be held at some convenient place within the district to be drained, on or before the first day of April next, at which election the legal voters within said district being owners or occupiers of land within the same, shall proceed to vote, (giving one vote for each 80 acres of land they own,) after the manner of voting at district school meetings, by depositing ballots "For Special Tax" and "Against Special Tax." It shall be lawful for all owners of land in said district not living on the same, to cast one vote for each 80 acres of land owned in said district; and if a majority of such votes are found to be "For Special Tax," then this act to be in full force and effect, otherwise to be null and void.

APPROVED February 24, 1859.

In force February 19, 1859. AN ACT to authorize the drainage of lands and the construction of levees, embankments and roads, in Madison county, Illinois.

Corporators.

Name.

Seal.

By-laws.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Tylor I. Irish, John Atkins, Hiram Seppy, G. R. Austin, Eli Pattengill, Samuel Squire, Zephaniah B. Job, and their associates and their successors, be and are hereby created a body politic and corporate, by the name of "The American Bottom Levee Company," with power to contract and be contracted with, sue and be sued, to own real estate, either by gift or purchase and to sell and convey the same. Said company may have a common seal, which they may alter and renew at pleasure. Said company shall have power to make by-laws, rules and regulations, not inconsistent with the laws of the land, which shall be binding upon said company, and all persons having business with or interest in the business of said company.

§ 2. The said Tylor I. Irish, John Atkins, Hiram Seppy, G. R. Austin, Eli Pattengill, Samuel Squire and



Zephaniah B. Job, or a majority of them, shall meet, on or before the first day of July next, at some place within said district to be embanked or drained, and shall proceed to open books of subscription to the capital stock of said company; and whenever the sum of twenty-five thousand dollars shall have been subscribed and five per cent paid in or secured to be paid in upon said stock, the said stockholders shall, after ten days' notice in a paper printed in the county of Madison, meet and elect directors for the management of the affairs of said company: *Provided*, that said directors so to be elected shall not be more than seven and from which number they shall elect a president and treasurer, who shall be the acting officers of said company. After the election of said directors, the corporators shall hand over to them all books and papers, money and property, belonging to said company. And all future elections of said directors shall be at such time as may be provided for in said by-laws: *Provided*, that at all elections in said company every share shall be entitled to one vote, and said share may be represented by proxy.

Books of subscription to be opened.

Directors.

Proviso.

Proviso.

§ 3. Said company is hereby authorized and empowered to survey, locate, construct and complete dykes, ditches, levees, embankments, culverts, roads, bridges, guard locks and dams, to change, clear out obstructions in or widen the channel of any creek, and to keep the same in repair, over, through or across any lands lying within townships 3 north, range 8, 9 and 10; township 4 north, range 9; township 5 north, range 9; township 4 north, range 10; all west of the third principal meridian, in Madison county; and shall have power to locate and construct their works over, under and across any public road, railroad or plank road, which now is or may hereafter be laid out and constructed in said territory; and for such purpose shall have the right of way upon and may appropriate to the use and purposes contemplated therein all the lands, stone, timber and materials, of every kind, necessary for the location, construction and alteration of said dykes, ditches, levees, embankments, culverts, bridges, locks and roads, and for the maintenance and repairs of the same.

Authorized to locate and construct works.

§ 4. Said company shall have power to condemn lands and materials for the purpose of the construction of said works, and for the purpose of keeping the same in repair, in the mode and manner now provided by law for obtaining the right of way, approved March 3, 1845: *Provided*, that any appeal from such condemnation shall not hinder the use and occupancy of the said land so condemned, upon the said corporation giving security, to be approved by the clerk of the court to which said appeal is taken, to abide by and pay such damages as may be assessed against said company.

Power to condemn land.

Capital stock.

§ 5. Said company may fix the amount of their capital stock at the sum of two hundred thousand dollars, and the same may be divided into shares of fifty dollars each; and said shares shall be deemed personal property, and transferrable in such mode and manner as said company, by their by-laws, may provide.

Power to borrow money.

§ 6. The said corporation shall have power to borrow money and issue bonds, convertible into stock, at the option of the holders thereof, and as security therefor to execute a mortgage or deed of trust upon their works and franchises:

Proviso.

Provided, said bonds shall not bear more than eight per cent. interest, and shall contain a clause making them redeemable after ten years from the date thereof. And if any of said bonds shall be sold for less than par, the same shall be as valid and binding upon said corporation as if they had been sold at their par value.

Tax to be levied.

§ 7. That for the purpose of meeting any interest upon the capital invested and the expenses incurred in the construction of the embankments, levees and drainage of the lands, and all interest accruing upon the bonds issued by the company, there shall be annually levied and collected, in the mode hereinafter provided, a tax upon said lands so embraced within said embankments, levees, and all others in Madison county directly benefitted by said drainage, leveeing or embankment; which said tax shall not be greater than will meet an amount sufficient to pay ten per cent. upon the capital so invested and bonds issued and other expenses incurred, the expenses of management and the annual necessary repairs to the works, when completed, after the application of any profits arising from said works, if any such there be; and the proceeds of said taxation shall be applied to no other purpose; and any balance remaining over from any one year shall be carried forward as a credit to the next.

List of persons and lands benefitted to be reported to collector.

§ 8. Said company shall make out and deliver to the collector of Madison county, annually, a list of all persons and lands within said embankments and benefitted by said drainage, leveeing or embankment, together with a statement, made under oath of the treasurer of said company, of all moneys expended or borrowed for the construction and repair of said works, and also the necessary annual expenses of the management of the same; and it shall be the duty of the state and county collector to place upon the state and county assessment, and in addition thereto, such sum per cent. as will pay the expenses and interest hereinbefore reserved. The company shall assess all lands within the county of Madison for taxation, in proportion to the benefits said lands shall derive from the work done under this act, and which said taxation shall be collected at the same time and places as said state and county taxes are collected; and in the event of non-payment, the same rights and privileges,

Assessment.

liens and remedies that are now in force or shall be made obligatory by law for the collection of state and county taxes, shall be applicable to the collection of said special tax; and the same judgment shall be obtained and the same privileges and obligations shall be imposed upon purchasers and owners as by law are applicable to lands sold for the non-payment of taxes; and all deeds executed by the sheriff on a sale of such lands for taxes, under the provisions of this law, shall be received in all courts of justice, and elsewhere, as evidence of the same facts now evidenced by the sheriff's deeds, under the revenue laws of this state.

Collection.

Sale for non-payment.

§ 9. Whenever a majority of the landholders within the boundaries of said embankment shall determine by a vote of the same to pay off said lien, or any part thereof, upon the lands, and shall so decide, then it shall be the duty of the directors of said company to place on the list for taxation such per cent. as may be voted, to be collected by the state and county collector, in addition to such sum as is before reserved.

Tax to pay off lien.

§ 10. Upon repayment, by taxation, as hereinbefore provided, of the principal so invested, and all interest that may be due for the drainage or leveeing or embankments of lands, the said works and all the property of said corporation shall become the property of the owners of lands so taxed for the purchase, subject to all existing contracts and liabilities, and shall thereupon be managed and controlled by the county court of Madison county, who shall thenceforth, by the revenues thereof and such additional taxation upon the lands benefitted and improved as may be necessary for the purpose, keep the same in good repair and preservation.

Works to become the property of the land owners.

To be managed by county court.

§ 11. The collector of Madison county shall make and execute to said company a good and sufficient bond for the faithful collection and payment over of said tax over to said company; and it shall be his duty to pay over to said company the taxes so collected, from time to time, as the same may come into his hands; and he shall be allowed the same compensation as he is now allowed for the collection of school tax.

Collector's bond.

§ 12. This act to be in force from and after its passage; to be held and taken as a public act, and to be liberally construed to carry out the purposes and intents of the same.

APPROVED Feb. 19, 1859.

In force April AN ACT to provide for the constructing a levee from Prairie du Pont Village, in 26, 1859. St. Clair county, to Harrisonville, in Monroe county.

Preamble.

Whereas the greater portion of the residents and owners of the land lying between the Mississippi river and the bluffs, in what is called the American Bottom, and between Prairie du Pont village, in St. Clair county, and Harrisonville, in Monroe county, are desirous of establishing and building a levee for the purpose of protecting their lands from overflow from the Mississippi river; therefore,

Commissioners
to establish a
levee.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Wm. Wilson, senior, Sidney Todd, William B. Quigley, William Kinney and Hyacinth Demete, be and they are hereby appointed commissioners to lay out and establish a levee or embankment, of sufficient hight and strength, in their opinion, to prevent the overflow of water from the Mississippi river, over the lands lying between said levee and the bluffs. Said levee or embankment to commence at the foot of the first high ground east of said Prairie du Pont village, extending thence westwardly, so as to include said village, and thence extending southwardly on the east side of Prairie du Pont creek, through and over all the lands and at the particular points and places on said lands, as said commissioners shall deem best for that purpose, to some point in the neighborhood of Harrisonville, in Monroe county, to be determined by said commissioners, where said levee shall end.

Right of way.

§ 2. Said commissioners shall have authority to pass over any of said lands, on the line of said levee, for the purpose of locating said levee, by survey or otherwise, and for the purpose of building the same, by themselves, and all such agents, hands and laborers as they may employ for that purpose.

Employ labor-
ers.

§ 3. It shall be the duty of said commissioners, as soon as may be, to locate said levee, and employ all such laborers as they may deem necessary, and at such wages as they may contract for, to build and complete the same.

Levy and col-
lect tax.

§ 4. It shall be the duty of said commissioners to ascertain the quantity of land belonging to each person lying between said levee and the bluffs, which is subject to overflow and to be protected by said levee from overflow, and to levy a tax against the owners of said land of sufficient amount to pay for locating and building said levee: *Provided*, that no more than one dollar per acre shall be levied, at a uniform rate, upon each acre of land, and collect said tax from the owner or person in possession of the land, by such member of their board as they may elect for that purpose, as hereinafter provided for. In all cases where the owner or person in possession shall fail or refuse to pay said tax, after demand thereof, which demand shall be made in person,

if the owner reside in the county where the land lies; and if such owner does not reside in such county, then the demand for payment may be made in person or by a notice in some newspaper printed in said counties of St. Clair and Monroe, for at least two weeks. It shall be the duty of said commissioners, after having given notice of sale, by advertisement in some newspaper published in St. Clair and Monroe county, for at least ten days between the first and last insertion, stating the time and place of sale, and the description of the property to be sold, as fully as such property is susceptible of, and the amount due, to proceed and sell so much of said land as shall be necessary to pay said tax and costs of advertising sale. The sale shall be made either at the said villages of Prairie du Pont or Harrisonville, as the commissioners may elect, at public vendue, between the hours of ten o'clock, A. M., and 2 o'clock, P. M., of the day of sale; and the land shall be struck off to the bidder who will pay said tax and cost for the smallest quantity of land offered. The commissioners shall make a deed, in fee simple, to each and all purchasers of lands under the provisions of this act; said deed or deeds, however, are not to be executed till the provisions of section 6 of an act to amend the several acts concerning the public revenue, approved February 8th, A. D. 1849, shall have been complied with: *And provided, further*, that all rights of infants and *femmes covert* to redeem from such sales, as provided by the revenue laws of this state, are hereby fully protected. Such deed from said commissioners to the purchasers shall be received in evidence in any court where the title or right of possession of said land shall be in question and shall be *prima facie* evidence that said commissioners complied with all the requisites of this act in making said sale.

Sale for non-payment.

Deed.

§ 5. Said commissioners shall have power to make such rules and regulations as they may deem necessary to carry out the object of this act. They may or may not, at their own discretion, elect one member of their own board as president, to preside over their deliberations. They shall elect one of their members as secretary, whose duty it shall be to keep a record account of all their proceedings, and a treasurer, whose duty it shall be to keep a correct account of all moneys paid in from taxation, amounts paid out, and all accounts of said company, and a collector, whose duty shall be to collect all taxes, as provided by this act, and report all taxes not collected, but which have been levied.

Rules and regulations.

President and secretary.

Treasurer.

§ 6. Said commissioners shall have power to fill any vacancy that may occur in their board from failure of any member to act, or from death, resignation, removal, or from any other cause, by appointing some other person to act, and fill such vacancy.

Vacancy.

§ 7. It shall be the duty of said commissioners to keep said levee in good repair and condition at all times after the

Repairs.

same may be built, and for this purpose may levy such tax as may be necessary, subject to the provisions and restrictions of this act.

Injury declared
trespass.

§ 8. Any person who shall maliciously cut or otherwise injure said levee shall be deemed guilty of trespass, and, upon conviction of the same, shall be fined not less than fifty and not more than five hundred dollars.

APPROVED February 24, 1859.

In force Febru-
ary 24, 1859.

AN ACT in relation to the issuing of Fee Bills.

Time of issuing
fee bills.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter any clerk of any court of record in this state may, upon proper precept filed in his office therefor, issue fee bills for costs, at any time, within eleven years after the rendition of the judgment or accruing of the right to issue the same; which fee bills shall have the same force and effect as if issued within the year next succeeding the judgment.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Febru-
ary 22, 1859.

AN ACT to declare the Illinois river a lawful fence in Grundy county.

Illinois river
declared law-
ful fence.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Illinois river, from its formation, by the junction of the Des Plaines and Kankakee, through the county of Grundy, to the west side thereof, shall be considered and is hereby declared to be a lawful fence, and any animal or animals crossing said river, between said points, into fields or lands inclosed upon the other side, and adjoining the river, shall be considered trespassers, and the owner or occupiers of such land may bring an action of trespass against the owner of such animal or animals and recover the damages which said animals may do by entering such field or inclosure, as aforesaid, in the same manner that such owner or owners might do if said inclosure had, on the side next the river, a good and sufficient fence to turn ordinary cattle.

Trespass.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 22, 1859.

AN ACT to establish a Ferry across the Great Wabash river, at Grayville, Illinois. In force February 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel H. Martin and M. M. Doyle, of White county, and their heirs and assigns, be and they are hereby authorized to establish, maintain and keep a ferry across the Great Wabash river, between the mouth of Bon Pas creek, at the foot of North street, and for the space of one mile above and below the mouth of said creek, at or near the foot of said North street. in the town of Grayville, for and during the term and space of twenty-five years.

S. H. Martin and M. M. Doyle, authorized to establish ferry.

§ 2. That the said corporators, Samuel H. Martin and M. M. Doyle, their heirs and assigns, shall, at all times, keep a good and substantial boat or boats, to be propelled by steam, horse power or oars, that may be necessary for the safe and speedy transportation of passengers, teams and other stock, as well as goods, chattels and effects, belonging to passengers; and shall furnish said boat or boats with men in number, with suitable strength and skill, to manage the same, and shall maintain, operate and manage the said ferry by this act established, to the exclusion of any and all persons or bodies corporate, for and during the term and space of twenty-five years, as aforesaid.

Shall keep a good boat.

§ 3. The said corporators, their heirs or assigns, shall have and receive for ferriage and transportation, such tolls and rates as are now or hereafter may be fixed by law or the county authorities in similar cases.

Rates of ferriage.

§ 4. The said ferry shall be conducted according to the provisions of law relating to ferries; and the corporators, their heirs and assigns, shall be entitled to the same rights and subject to the same liabilities as the proprietors of other ferries.

Rights and liabilities.

§ 5. And the said Samuel H. Martin and M. M. Doyle, corporators, as aforesaid, shall commence operating the said ferry by and within the space of six months, from and after the passage of this act.

Time of beginning.

§ 6. This act shall be in force from and after its passage.
APPROVED February 21, 1859.

In force April 23, 1859. AN ACT to amend an act entitled "An act to establish a ferry therein named," approved February 8, 1851.

Act extended. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the provisions of an act entitled "An act to establish a ferry therein named," approved February 8, 1851, be and the same are hereby extended beyond the period therein limited, for a further term of fifteen years.

APPROVED February 18, 1859.

In force April 26, 1859. AN ACT to amend an act entitled "An act to establish a ferry across the Illinois river, at Peru, in La Salle county," approved February 10, A. D. 1851.

Proprietors may substitute floating bridge. Proviso. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the legal owners and proprietors of said ferry franchise are hereby authorized, at their option, to substitute a floating bridge in place of the usual ferry boat, for the purpose of crossing the Illinois river, at the points specified in the act to which this is an amendment: *Provided,* that said bridge shall in no wise obstruct the navigation of said river.

Franchise extended. Proviso. § 2. The owners aforesaid are hereby empowered to extend their ferry franchise five hundred feet west of the head or point of the island specified in the act to which this is an amendment, for the purpose of swinging said floating bridge or landing said ferry boat out of the channel of said Illinois river: *Provided,* that such privilege shall not interfere with any franchise heretofore granted to other parties.

APPROVED February 24, 1859.

In force February 24, 1859. AN ACT authorizing Harvey Ballard and Washington Wren to keep a ferry across the Mississippi river, in Adams county.

H. Ballard and W. Wren authorized to establish ferry. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Harvey Ballard and Washington Wren, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, between the mouth of the Lima lake slough, on the fractional northwest quarter of section thirty-one, township two north, range nine, west of the fourth principal meridian, in Adams county, and state of Illinois, and the town of Canton, in the county of Lewis, and state of Missouri, during which time the supervisor's court of said Adams county shall not grant a license

to any person or persons to establish or keep a ferry within two miles above and two miles below the said mouth of Lima lake slough.

§ 2. That said Harvey Ballard and Washington Wren shall, within one year from the passage of this act, keep, at all times, a good and sufficient steam or other ferry boat, necessary for the transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects, belonging to passengers, and shall furnish such boats with men of strength and skill to use them, and shall charge and receive such rates of ferrriage as may be fixed by authority of said county of Adams. Shall keep good boat.
Rates of ferrriage.

§ 3. That said Harvey Ballard and Washington Wren shall pay into the treasury of said Adams county such annual tax as may be imposed upon said ferry by said Adams county, not exceeding ten dollars; and in the management and regulation of said ferry shall be governed by the law now in force regulating ferries. Annual tax.

§ 4. The said Harvey Ballard and Washington Wren shall have the exclusive ferry privilege, from the said mouth of Lima lake slough, to the said town of Canton, for twenty-five years from the passage of this act, for two miles above and two miles below the mouth of said Lima lake slough; and should any person or persons establish, keep or run a ferry boat and land within two miles as aforesaid, such person or persons shall forfeit and pay to the said Harvey Ballard and Washington Wren, their heirs and assigns, ten dollars for every such offense, to be sued for and recovered in an action of debt, before any justice of the peace of said county of Adams. Exclusive privilege.
Fine.

§ 5. That the act entitled "An act to authorize Washington Wren and Harvey Ballard to keep a ferry across the Mississippi river in Adams county," approved February twelfth, eighteen hundred and fifty-three, be and the same is hereby re-enacted, renewed and extended for the use and benefit of Harvey Ballard and Washington Wren, their heirs and assigns: and all laws subsequently enacted, contravening or conflicting with this act, be and the same is hereby repealed. This act to take effect from and after its passage. Acts re-enacted and repealed.

APPROVED February 24, 1859.

AN ACT to amend an act entitled "An act to establish a ferry at Chester in the county of Randolph, on the Mississippi river," approved January 17, A. D. 1849. In force February 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That the act entitled "An act to establish a ferry at Chester, in the

Act amended. county of Randolph, on the Mississippi river," approved January seventeen, eighteen hundred and forty-nine, be and the same is hereby so amended to extend said franchise or ferry privilege to the first day of January, in the year one thousand eight hundred and eighty.

Privileges and immunities. § 2. That all the rights, privileges and immunities which were in the aforesaid act granted to Thomas Bond and A. S. Palmer, be and the same are hereby granted to C. C. Williams and Harvey Nevill, the successors of said Bond and Palmer.

Acts repealed. § 3. That all acts and parts of acts, which conflict with this act, be and the same are hereby repealed, reserving to Cole and Erskine all the legal rights which he or they, or either of them, may be entitled to in relation to the establishment of a ferry at the town of Menard, below Chester, now the city of Chester.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 21, 1859.

In force February 19, 1859.

AN ACT to establish a ferry herein named.

W. and F. Burnett authorized to establish a ferry.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That W. and F. Burnett, their heirs and assigns, be and they are hereby authorized to establish and maintain a certain ferry across the Mississippi river, at section No. thirteen (13) in township No. seven south, of range No. six (6) west of the fourth principal meridian, in the county of Pike and state of Illinois, opposite the city of Louisiana, Mo., and to land upon and run the same upon any land owned by them in said section, or which may be acquired hereafter, or upon any state or county road or public highway on said section, or which may be hereafter established thereon, or upon any land owned or which may hereafter be owned by any person or corporation, on said section: *Provided*, They shall first acquire the consent of such person or corporation, in writing; and they shall have the exclusive right to ferry across said river, from said section, and within three miles above and below said section, on said river, for the term of twenty years.

Proviso.

Shall keep a good boat.

§ 2. The said W. and F. Burnett shall, at all times, keep a good tight boat or boats for the speedy and safe transportation of all passengers, teams, horses, cattle and other animals, also all goods, wares and merchandise, across said river; having at all times men of sufficient skill and strength to manage the same.

§ 3. The board of supervisors shall have power to fix rates of ferriage to be charged by the said W. and F. Burnett, for the transportation of passengers, wagons and animals of all kinds, goods and effects, across the said Mississippi river, and shall have power to levy a yearly tax for said ferry privileges, not to exceed thirty dollars; which tax said W. and F. Burnett may apply on the improvement of roads leading to said ferry, in said township, as directed by the commissioners of highways of said township.

Rates of ferriage.

Yearly tax.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT to extend an act authorizing A. J. Brown to keep a ferry across the Mississippi river at the town of Port Byron. In force February 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all and singular, the rights, privileges and franchises granted to Adoniram J. Brown and his assigns, by an act entitled "An act authorizing Adoniram J. Brown to keep a ferry across the Mississippi river, at the town of Port Byron," approved February 17th, 1851, are hereby confirmed in John W. Spencer, Tillotson C. Temple and Thomas Pharis, assignees of said Adoniram J. Brown, and in their associates and assigns, for and during the term mentioned in said act, and for the further term of fifteen years next thereafter. And upon a compliance with the requirements of said mentioned act, the said Spencer, Temple and Pharis, their associates and assigns, shall have the exclusive right of continuing, keeping and maintaining a ferry across said Mississippi river, between the town of Port Byron, in Rock Island county, and the opposite shore, in the state of Iowa, and at and from the said town of Port Byron, and for one mile each way from the place of landing, for the aforesaid terms, any law to the contrary notwithstanding: *Provided always,* that this act shall not be so construed as to affect, in any manner, any legally existing rights.

Rights and franchises confirmed to assignees of A. J. Brown.

Exclusive right to maintain a ferry.

Provido.

§ 2. This act shall take effect and be of force from and after its passage.

APPROVED February 21, 1859.

AN ACT to establish the Massac and McCracken ferry.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That L. S. Trimble, F. D. Preston and W. H. Green, their heirs and assigns, be authorized and have the sole and exclusive right to establish and keep a ferry, for fifty years, across the Ohio river, from any part of the bank of said river, extending for one quarter of a mile above and two miles below lot numbered one, in the town of Brooklyn, in Massac county, Illinois, to the Kentucky shore, as long as they shall comply with all the provisions of this act or any general law now in force or that may hereafter be passed.

§ 2. That said L. S. Trimble, F. D. Preston and W. H. Green shall, within one year from the passage of this act, and at all times thereafter, keep good and sufficient boats, for the speedy and safe transportation of all passengers, teams, horses and other animals, as well as goods and chattels, belonging to passengers; and that said boats shall be furnished with men of sufficient strength and skill to manage the same, or with horses, or may be propelled by steam.

§ 3. The said Trimble, Preston and Green, or their assigns and grantees, shall be allowed to land their boats at any point on the bank of said river, described in section one of this act, and shall receive such rates of ferriage as the proprietor of the ferry at Metropolis, Massac county, Illinois, now receives for transporting passengers, teams, vehicles, cattle and other animals, across the Ohio river, and double said ferriage whenever said river is out of its banks.

APPROVED February 22, 1859.

AN ACT to establish a ferry across the Ohio river at the town of Golconda.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Field, his heirs and assigns, be and are hereby authorized to establish and keep a ferry, for the term of twenty years, across the Ohio river, between the town of Golconda, in the county of Pope, in the state of Illinois, and the opposite shore, in the state of Kentucky, during which time no license shall be granted by the county authorities of the county of Pope to any person or persons, or body corporate to establish or keep a ferry within $1\frac{1}{2}$ miles of the town of Golconda, either above or below said town.

§ 2. Said John Field shall cause said ferry to be furnished with good tight boat or boats, sufficient for the safe transportation of all passengers, their teams, stores, cattle

or other animals, wagons, and the goods, effects, property, freight, etc., of all persons; and said boat or boats shall be provided with men of suitable strength to manage the same, or with horses, or with steam, or with suitable and equivalent propelling power, at the option of said Field.

§ 3. The said John Field shall be allowed to land his boat or boats at any point on said Ohio river, eligible and suitable, in front of the town of Golconda. Landing.

§ 4. Said John Field, or his assigns or grantees, shall receive such rates of toll on freight or ferriage as the county court of said Pope county shall establish and ordain, not to exceed or be less than a fair and just compensation. Rates of ferriage.

§ 5. And the said John Field, his heirs and assigns, shall be entitled to the benefits of the forty-second chapter of the Revised Statutes of the state of Illinois, regarding ferries and toll-bridges; and should any person or persons or body corporate or politic, hereafter licensed or without license, run or land a ferry within the above space stipulated, they shall be subject to and incur the penalties and forfeiture provided in said chapter forty-two of the Revised Statutes, which may be recovered by the said John Field, his heirs or assigns, as therein provided. Rights and privileges.

§ 6. This act shall be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT for the protection of orchards, and to prevent the destruction of small birds. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall not be lawful, in this state, for any person to shoot, or in any other manner to kill or destroy, or to entrap, ensnare or otherwise capture any of the following description of birds, to wit: The blue bird, swallow, martin, musquito hawk, whip-poor-will, cuckoo, woodpecker, cat bird, brown thrasher, red bird, hanging bird, rice bird, sparrow, wren, humming bird, dove, goldfinch and mocking bird. Destruction of certain small birds prohibited.

§ 2. Every person who willfully violates the provisions of the preceding section, or who shall willfully destroy the nest or eggs of any of the birds hereinbefore described, shall be punished by a fine of not more than five dollars for each offence. Fine.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb. 24, 1859. AN ACT to repeal so much of the game law as is applicable to Greene county.

Act repealed.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That so much of an act entitled "An act to preserve the game in the state of Illinois," approved February 15th, 1855, as is applicable to the county of Greene, be and the same is hereby repealed.

§ 2. This act to be in force from and after its passage.
APPROVED February 24, 1859.

In force February 24, 1859.

AN ACT concerning judgment by confession.

When judgment by confession may be entered.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no judgment by confession shall be entered by any court of this state, on any bond, bill, note or other instrument in writing, which is not due by the express terms thereof at the time of the rendition of such judgment, except in open court, on a full investigation of the fairness of the transaction by the court, although said bond, bill, note or other instrument in writing, may be accompanied by a power of attorney executed by the parties thereto authorizing the rendition of such judgment.

Plaintiff's proof.

§ 2. Before any court shall be authorized to render judgment on any such bond, bill, note or instrument of writing, not then being due by the terms therein expressed, by virtue of any supposed authority contained in any power of attorney attached to or accompanying the same, unless the defendant or defendants to be affected thereby shall appear, personally, and confess the same, the plaintiff shall prove, by testimony to be produced and taken orally in court, that at the time of the execution of said power of attorney the person or persons who executed the same were particularly informed and then knew that the meaning of said power of attorney was to authorize the rendition of judgment on such bond, bill, note or other instrument of writing, before the same shall become due and payable by the terms thereof, and also that the plaintiff will be in imminent danger of losing the debt thereby secured, unless a judgment shall be rendered thereon immediately.

Security to stay execution.

§ 3. No execution shall be issued on any such judgment if the defendant shall offer to the said plaintiff a bond with good security, conditioned for the payment of said debt and costs, at the time of the maturity of such bond, bill, note or instrument of writing, on which said judgment shall have been rendered; and in case execution shall have been issued

at the time of the offering of such bond with security, the same shall be stayed by order of the court, or judge in vacation, on producing to the court or judge an affidavit of the offering of such bond and security.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend an act entitled "An act to cede jurisdiction over land occupied by the United States for light houses, custom houses and other purposes," approved February 13, 1855. In force February 16, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

Whereas by an act of the legislature of this state, approved Preamble

February 13, 1855, entitled "An act to cede jurisdiction over lands occupied by the United States for light houses, custom houses, and for other purposes," exclusive jurisdiction and legislation was granted to the United States over the land situated at the south east corner of block one hundred and nineteen, in the school section addition to Chicago, being one hundred and twenty feet on Monroe street and running north one hundred and forty feet, the same width, as a site for a building or buildings, to be occupied for a post office, custom house, &c.; and whereas the government of the United States, since the before mentioned act, has purchased an additional piece of land, immediately east of and adjoining the piece of land hereinbefore described, being fifteen feet in width in front, on Monroe street, by one hundred and forty feet deep, of the width aforesaid; also an additional piece of ground, immediately north of and adjoining the tract hereinbefore described, being fifty-two feet wide in front, on Dearborn street, by one hundred and thirty-five feet deep, of the width last aforesaid, upon which the walls of the building in process of erection are, in part, situated; and whereas, the government of the United States has purchased an additional piece of land, immediately north of and adjoining the tract hereinbefore described, being fifty-two feet front on Dearborn street, by one hundred and twenty feet deep, the width last aforesaid upon which the walls of the building in process of erection are, in part, situated; now, therefore,—

Be it enacted, That exclusive jurisdiction and legislation Jurisdiction ceded. is hereby granted and ceded to the United States of America over the two last described parcels of land, or of so much or such portions thereof as the United States of America have acquired or shall acquire title to, in as full manner and to

Taxation re-
linquished.

the same extent as in and by the act to which this is an amendment is ceded to the United States over the tract described in the said act, with the same relinquishment of taxation and assessment as therein provided.

Same rights
granted to
land in West
Division.

§ 2. That the same exclusive jurisdiction and legislation and exemption from taxation and assessment, as is granted and conferred by the act to which this is an amendment, is hereby extended to lands and their appurtenances, not exceeding in area two hundred feet square, at or near the corner of Lake and Halsted streets, in the West Division of the city of Chicago, or any other tract of land in said division, of the same area, that has been or may be selected or purchased and conveyed, to be occupied by the United States for a post office, branch post office or other public office or building; and a certificate of the secretary of the treasury of the United States, describing the lands so acquired or purchased, for the purposes aforesaid, duly recorded in the office of the recorder of deeds in Cook county, shall be exclusive [conclusive] evidence of the tract or parcel of land to which the rights herein granted shall apply.

Same rights
granted to
land in North
Division.

§ 3. That the same exclusive jurisdiction and legislation and exemption from taxation and assessment, as is granted and conferred by the act to which this is an amendment, is hereby extended to lands and their appurtenances, not exceeding in area two hundred feet square, which have been or may hereafter be selected or purchased and conveyed, in the North Division of the city of Chicago, to be occupied by the United States for a post office, branch post office or other public office or buildings; and a certificate of the secretary of the treasury of the United States, describing the lands so acquired or purchased for the purposes aforesaid, duly recorded in the office of the recorder of deeds in Cook county, shall be conclusive evidence of the tract or parcel of land to which the rights herein granted shall apply.

Process may be
executed.

§ 4. That all civil and criminal process, issued under the authority of the said state of Illinois or by any officer thereof, may be executed on the premises that may be acquired or occupied for the purposes mentioned in this act, in the same manner as if jurisdiction had not been ceded.

Public act.

§ 5. This act shall be deemed and taken as a public act, and shall take effect from and after its passage.

APPROVED February 16, 1859.

AN ACT ceding to the United States jurisdiction over certain lands in the city of Cairo, Illinois. In force February 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That jurisdiction of the lands and their appurtenances that have been or may be selected or purchased and conveyed, at or in the city of Cairo, Illinois, to wit: Block number thirty-nine, in the city of Cairo, Illinois, or any other lot or lots in said city, which may be conveyed to the United States, for the purpose of erecting a building or buildings for a United States court, post office or custom house, be and is hereby ceded to the United States of America: *Provided, however,* that all civil and criminal process issued under the authority of said state or any office thereof, may be executed on said land and in the buildings that may be erected thereon, in the same manner as if jurisdiction had not been ceded as aforesaid.

Jurisdiction
ceded.

Proviso.

§ 2. The lands above described, with the appurtenances, buildings, and other property that may be thereon shall forever hereafter be exempted from all state, county and municipal taxation and assessment, so long as the same shall remain the property of the United States.

Exemption
from taxes.

§ 3. This act shall be in force from and after its passage.
APPROVED February 18, 1859.

AN ACT to amend an act entitled "An act to provide for the dedication of lots in towns situated on canal lands to public purposes." In force April 26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first section of the act passed February 26, 1847, entitled "An act to amend an act to provide for the dedication of lots in towns situated on canal land to public purposes," be so amended that any religious society or congregation may mortgage such lots to secure the payment of loans or debts contracted by such society or congregation for religious purposes, or for loans to pay any assessments made upon such lots by any city or town for opening or improving streets, and such society or congregation, by a vote of a majority of its members assembled at any regular meeting for the purpose, may and they are hereby authorized to vote any such loan or loans for the purposes aforesaid.

Section
amended. one

APPROVED February 24, 1859.

In force February 24, 1859. AN ACT to provide for the recording of the original plats of school lands to perpetuate the same.

Preamble.

Whereas, the school lands of this state, under the laws thereof, have been generally subdivided by the trustees of schools, without regard to any general system of survey; and whereas, the original plats, showing the metes and bounds of such surveys, and which are the only legal evidence thereof, and by [law are] required to be kept by the school commissioners, and are liable to be lost, defaced or destroyed, as the law provides no office or archives for their safe keeping; therefore, in order to perpetuate the same,

Original plats
to be recorded

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of each school commissioner in this state to record in the recorder's office of his county, all the original plats of school lands which now are or hereafter may come into his hands, which have not been recorded; and it shall be the duty of the county commissioners' court or the board of supervisors, as the case may be, to issue orders upon the county treasurer in favor of such recorder, to pay for such services.

Compensation.

§ 2. This act to be in force from and after its passage.

APPROVED February 24, 1859.

In force February 16, 1859.

AN ACT to declare Rufus P. Blossom of lawful age.

R P Blossom
declared of
lawful age.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Rufus P. Blossom, a minor, of Jersey county, in this state, is hereby declared to be of lawful age, and capable of doing and performing any and all acts in his own name as well as if he had attained the age of twenty-one years: *Provided,* that nothing herein contained shall be so construed as to allow the said Rufus P. Blossom to exercise the right of suffrage or to convey real estate until he has arrived at the age of twenty-one years.

Proviso.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 16, 1859.

AN ACT to secure the state a lien in certain cases.

In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter, whenever a suit is commenced by the state, either at law or in chancery, against any public defaulter, or against any person or persons or corporation, for the recovery of any debt or any sum of money claimed to be due to the state, the commencement of said suit shall create a lien on the real and personal estate of the defendant or defendants, situated within any county in this state.

Commencement of suit to create a lien.

§ 2. This law to be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT relating to the law of limitation.

In force April 29, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all acts and statutes in this state, entitled "Limitations," or relating to limitation of actions, wherein the terms "the cause of such actions shall have accrued" or "action accrued" are used, such terms shall, in all cases be construed and taken to mean and designate, that all actions to which said terms relate, shall be considered, deemed and taken to have accrued from and after the time when such actions might have been commenced upon any cause or causes of action, and from and after the time when any bond, bill or note matures, services judgment or decree are rendered, or any wrong, trespass or injury has been committed upon which any suit or proceeding may be commenced, whether such cause of action arose or accrued within this state or not.

Words defined.

§ 2. All laws and parts of laws inconsistent, or in conflict with the provisions of the first section of this act are hereby repealed.

Laws repealed.

APPROVED February 19, 1859.

AN ACT to amend the criminal code and increase the punishment for manslaughter.

In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where a person shall be convicted of manslaughter, the jury shall in their verdict fix the time which the party found guilty as aforesaid shall be confined in the penitentiary, which shall be for natural life or any number of years, to be designated in the verdict.

Jury to fix term of imprisonment.

Prior offences. § 2. All offences committed before this act, except those named in section three, takes effect, shall be punished, on conviction, as provided by the law in force at the time such offence was committed.

Larceny. § 3. All indictments for larceny, where the property stolen does not exceed twenty dollars in value, shall be barred after seven years from the time of the finding of the indictment.

§ 4. This act shall be in force from and after its passage.
APPROVED February 19, 1859.

In force April
26, 1859.

AN ACT to regulate mining.

Complaint. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That upon complaint being made, on oath, before any circuit judge, or, in the absence of a circuit judge, before any judge of the county court of any of the counties of this state, by any person, the owner of any land or town lot adjacent to any lands, lots or grounds worked as lead, coal or iron mines, that the said person or persons, so making complaint, have reasonable grounds to suspect and do suspect that such miner or miners is trespassing upon the lands or lots of such person, so making complaint, it shall be the duty of said judge to appoint some competent and suitable person to descend into said mines and make such examinations and surveys therein as may be necessary to ascertain whether such mines are worked upon the lands or lots of such person or persons making said complaint.

Judge to ap-
point examin-
er.

Miners to per-
mit examina-
tion.

§ 2. It shall be the duty of such miner or miners to allow such person, so appointed, at all reasonable times, to descend into said mines and make such survey or examination as may be necessary to determine whether such mines are worked upon the property of the said person making such complaint or not; and any obstruction, knowingly and willfully placed in the way of such person, so appointed by the judge, with the intent to prevent his entry into any mines, rooms or galleries therein, and his examination of said mines, by any person or persons, their workmen, agents or servants, shall be punished to the same extent and in the same manner as is now provided by law for resisting a sheriff in serving legal process.

Costs of sur-
vey.

§ 3. All costs and expenses attending said survey and examination of said mines, under this act, shall be advanced and paid by the person making said complaint, who shall have the right to recover the same and have them taxed as costs in any action for the recovery of damages against such

miner or miners, in which he may receive damages for trespass in the working of such mines, and it shall be the duty of the court to tax such expenses in the bill of costs in any action where such damages may be recovered.

APPROVED February 18, 1859.

AN ACT to erect grave stones or monuments to the memory of deceased members of the legislature buried at Vandalia. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of two hundred dollars be appropriated from the state treasury, from any moneys not otherwise appropriated, to be applied to the purpose of erecting suitable grave stones or monuments over the graves of John Thompson, John B. E. Canal, Alexander F. Grant, Benjamin A. Clark and William McHenry, deceased, members of the general assembly, and who died during their membership, and were buried at Vandalia, Illinois. Appropriation.

§ 2. That the state treasurer be authorized and required to pay the said sum of money, upon warrants issued by the auditor for that purpose; and the auditor be and he is hereby authorized and required to issue said warrants, upon application being made by the proper person. Treasurer to pay on warrant.

§ 3. That Akin Evans, George H. Dieckman and Tevis Greathouse, of Vandalia, be and they are hereby appointed commissioners to see that said sum of money [is] applied properly to the object expressed in this bill, and that they or one of them, to be selected by them, be empowered to draw said warrants for that purpose, and that they be required to report immediately upon the completion of said stones or monuments, with an account of the cost and a description of the same, to the auditor of state. Commissioners

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to change the names of certain persons therein named.

In force January 26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That the names of David Hengst and Reuben W. Hengst, be and the same are hereby changed to David Hent and Reuben W. Hent. Names changed

This act to take effect from and after its passage.

APPROVED January 26, 1859.

In force February 18, 1859. AN ACT to provide for an easy and expeditious method of changing names.

Petition. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if any person, being a resident of this state, and having resided therein six months next preceding the term of court at which the relief herein provided for is sought to be obtained, shall desire to change his or her name and to assume another name, by which to be afterwards called and known, such person may file a petition in the circuit court of the county wherein he or she shall reside, praying for such relief; and upon its appearing to the court that the conditions herein-after mentioned have been complied with, and there appearing no reason why the prayer should not be granted, the court,

Order of court. by an order, to be entered on its record, may direct and provide that the name of such person shall be changed, in

Infants. accordance with the prayer in said petition. Whenever any infant has resided in the family of any person for the space of three years and has been recognized and known as an adopted child in the family of such person, the application herein provided for may be made by the person having such infant in his family.

What petition shall set forth. § 2. Such petition shall set forth the name then held and also the name sought to be assumed, together with residence of the petitioner, and the length of time he or she shall have resided in this state, and shall also state the state or country of his or her nativity or supposed nativity, and be signed by the person petitioning, or, in case of minors, by the parent or guardian having the legal custody of said minor; and said petition shall be verified by the affidavit of some credible person.

Notice by publication. § 3. Previous notice shall be given of such intended application, by publishing a notice thereof in some newspaper published in the county where such person shall reside, or, if no newspaper shall be published in said county, then in some convenient newspaper, published in this state; which notice shall be inserted for three consecutive weeks, the first insertion to be at least six weeks prior to the first day of the term of the court in which the said petition is to be filed, and shall be signed by the petitioner, or, in case of a minor, his or her parent or guardian, and shall set forth the term of the court at which the petition is to be filed and the name sought to be assumed.

In cases of divorce. § 4. In all cases whenever, on application of any married woman, a divorce from her husband shall be decreed, it shall be lawful for the court granting such decree, to order, as a part of said decree, that from henceforth she shall be called and known by the name which she held and enjoyed prior to her marriage to her said husband: *Provided*, such change is desired by said married woman and shall have been prayed for in the bill filed for such divorce.

Proviso.

§ 5. The act entitled "An act in relation to the change of names," approved February 25, 1847, is hereby repealed; but such repeal shall not affect any case which has been commenced and is now pending, under the provisions thereof, but the same may proceed to final order and with the same effect as though this act had not been passed. Act repealed.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED February 18, 1859.

AN ACT to authorize the Board of Supervisors or County Courts to change the names of towns and villages. In force April 26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all of the counties of this state, where township organization has been adopted, the board of supervisors shall have power to change the name of any town or incorporated village in their respective counties, upon a petition of a majority of the voters of said town or incorporated village. Board of supervisors authorized to change names.

§ 2. That in counties where township organization has not been adopted the powers in this act conferred upon the board of supervisors be and the same are hereby conferred upon the county court. County courts authorized.

APPROVED February 18, 1859.

AN ACT in relation to the poor of Brown county.

In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That each town in Brown county, from and after the first day of April, A. D. 1859, shall respectively pay the expense of the support of the paupers in such towns, until such paupers shall be removed to the poor house of said county of Brown, and shall also pay the expense of their removal to the poor house aforesaid, and that the bills for the support and removal to the poor house, aforesaid, of such paupers, shall be presented to the board of auditors of such towns, respectively, and allowed by said board and paid as other town expenses, and shall constitute a part of the town taxes of said towns respectively. Each town pay expenses. Bills.

§ 2. This act shall be a public act and take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force February 24, 1859.

AN ACT to provide for the support of paupers in the county of Jo Daviess.

Townships authorized to support paupers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the several townships in the county of Jo Daviess be and they are hereby empowered to support all paupers residing within their respective limits, out of the treasury thereof: *Provided,* that at the next election for township officers, to be held in the several townships in said county on the first Tuesday of April next, a majority of the legal voters of said county, voting at said election, shall vote in favor of such separate townships supports; which vote shall be by ballot, written or printed, or partly written or partly printed, "For Township Support," or "Against Township Support;" which shall be canvassed and returned in the same manner as in cases of elections for county officers.

Notice of election.

§ 2. It shall be the duty of the clerk of the county court of said county to give notice of the said election in the same manner as is provided for giving notice of general elections.

Duties of overseers of poor.

§ 3. That in case separate township support shall be adopted in said county, agreeably to the provisions of the first section of this act, then the overseers of the poor of the several townships, aforesaid, shall take charge of, maintain and support the paupers of their respective townships, in manner as is now or may hereafter be provided by law; and all expenses incurred for such maintenance and support shall be considered a township charge; and it shall be the duty of said overseers to present to the board of township auditors of their respective townships, at each regular meeting thereof, a true account of all expenditures incurred under the provisions of this act, which shall be audited and paid.

Expenses.

Provisions of Revised Statutes made applicable.

§ 4. That the provisions of sections fourteen, fifteen and sixteen, of chapter eighty, of the Revised Statutes, entitled "Paupers," shall apply to and operate as between the several townships of said county, in the same manner as they do between the several counties of this state; and if any person shall become chargeable in any township in said county, who has not resided in said county thirty days, then the overseers of the poor having such paupers in charge shall give notice thereof to the county clerk of said county, whose duty it shall be to give notice thereof to the authorities of the proper county, as in other cases; and the expenses of taking care of such paupers, when received from such foreign county, shall be paid into the treasury of the proper township. This act to take effect from and after its passage.

Expense.

APPROVED February 24, 1859.

AN ACT to provide for the support of the poor in the county of McHenry, and to repeal an act therein named. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the board of supervisors of the county of McHenry to set apart a sufficient portion of the fund which shall be drawn from the sale of the swamp and overflowed lands of said county, or which shall be received from the general government or state for lands of that character, and appropriate the same for the purpose of purchasing a farm, not to exceed one hundred acres, and of making improvements and erecting necessary buildings thereon, for the support and maintenance of the paupers of said county.

Fund to be set apart.

To purchase farm.

§ 2. Said farm and buildings shall be subject to the control of the board of supervisors of said county, and shall be managed and carried on by any agent or agents that shall be appointed by said board, and subject to their control, and liable to be removed by the board for any good cause shown; and the said board of supervisors may, if they deem proper, take bond, with securities, from such agent or agents, conditional for the faithful performance of his or their duties, such as are imposed by law, or shall from time to time be imposed by order of said board; and upon the breach of the conditions of said bond, an action may be brought thereon by the said board in any court having jurisdiction thereof.

Control of farm.

Agents.

Bond.

§ 3. Such farm, when purchased and owned by the said county of McHenry, shall be held for the use of said county for the support of the paupers thereof; and the same, with the improvements and buildings thereon, and all necessary teams, stock, animals, tools, utensils and other articles of personal property, which shall be necessarily used for the purpose of properly managing said farm, shall be free and exempt from taxation for any purpose whatever.

Exemption from taxation

§ 4. Whenever the said board of supervisors shall have purchased such farm and made the necessary improvements thereon, so that the same shall be ready for the use contemplated by this act, and the board of supervisors of said county shall make an order so declaring, and cause the same to be entered of record in the books of the clerk of the county. On the recording of said order, the act entitled "An act to provide for the support of paupers in Bureau and McHenry counties," approved February 10, 1853, so far as the same applies to the county of McHenry, shall be repealed and no longer in force in said county; and all laws which were thereby repealed shall be renewed and in force in said county, as also all general and public laws since passed, or which may be hereafter passed, upon the subject of paupers in this state.

Board of supervisors to make an order

Act repealed.

§ 5. On the first Tuesday of April next after the passage of this law, the legal voters of said county of McHenry shall vote, at their several places of holding town elections, with

Election.

Returns.

Sections in force.

In force April 26, 1859.

Jurisdiction extended.

Additional jurisdiction.

written or printed ballots, on which shall be written or printed "For Poor Law," or "Against Poor Law." Said election shall be conducted in the same manner as the elections for town officers, and the canvass of the votes in the towns shall be in the same manner as votes for town officers; and the returns thereof shall be made to the county clerk by the judge and clerk of the town election, in the same manner as is by law provided for general election returns, and shall be canvassed in the same manner as the returns of the election of county officers; when, if it shall appear that a majority of all the votes cast at said election were "For Poor Law," this act shall take effect and be in full force; but if it shall appear that a majority of said votes were "Against Poor Law," this act shall be of no force or effect.

§ 6. Sections four and six of this act shall be in force from and after the passage of this act; but no other section shall be in force until a majority shall have voted therefor, as above provided.

APPROVED February 24, 1859.

AN ACT to extend the jurisdiction of the Police Magistrate of Mound City.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the police magistrate in and for Mound City, in the county of Pulaski, shall have jurisdiction to hear and determine all complaints, suits and prosecutions mentioned and described in section 17. of chapter 49, entitled "Justices of the Peace and Constables," of the Revised Statutes, in which the amount claimed to be due does not exceed three hundred dollars.

§ 2. Said police magistrate shall have jurisdiction to hear and determine all complaints, suits and proceedings, in all debts in which the action of debt, assumpsit, trover, replevin or trespass upon personal property, all actions on the case, excepting libel and slander, will be [lie] in which the amount claimed to be due does not exceed three hundred dollars.

APPROVED February 24, 1859.

AN ACT in relation to practice in the Supreme Court.

In force February 4, 1859.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter no appeal to the supreme court shall be dismissed by reason of any informality or insufficiency of the appeal bond, if the party taking such appeal shall, within a reasonable time, to be fixed by the court, file a good and sufficient appeal bond in such cause, to be approved by said court. Appeal bonds.

§ 2. Clerks of the circuit courts may, by the agreement of parties, made at the time of praying the appeal, and entered of record, approve of the security offered upon such bond, and such approval may be made in term time or vacation. Clerks may approve security.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 4, 1859.

AN ACT in relation to practice in the courts of this state,

In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of clerks of courts of record in this state to enter of record all orders, judgments and decrees of their said courts, before the final adjournment of their respective courts, at each term thereof, or as soon thereafter as practicable. Duty of clerks.

§ 2. Any clerk of a court of record in this state, who shall fail to enter all the orders, judgments and decrees of his said court, of record, by or before the next succeeding regular term of the court of which he is clerk, shall be fined by the said court of which he is clerk not exceeding one hundred dollars, and for a second offence his office shall be declared vacant, by an order of said court, and his successor appointed as now required by law to fill vacancies in his office. To be fined on failure.

§ 3. It shall be lawful, in all cases taken by judges of the circuit court under advisement, to enter of record their decisions and judgments or decrees in vacation, or after the adjournment of said court; but no such decisions, judgments or decrees shall be final until the next succeeding term of such court, unless there shall be an express stipulation entered of record at a preceding term of such court that such decision, judgment or decree shall be entered as of such prior term; in which latter case the clerk shall enter the same accordingly, and the same shall be in full force and effect as of such prior term of such court. Cases under advisement.

Not be final until next term.

APPROVED, February 19, 1859.

In force February 21, 1859. AN ACT surrendering title and interest of State in the track of a certain railroad to certain persons, for railroad purposes, therein named.

Right of state
surrendered.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the state of Illinois hereby surrenders to William Shepherd, Castle R. Harrison and George R. Stocker, for the use of the Jacksonville, Alton and St. Louis Railroad Company, to be used for the purpose of said railroad, and for no other purpose, all the right, title or interest she has in the track, grade, right of way, or other privileges or appurtenances of, in or belonging to so much of the Alton and Springfield Railroad, as lies between the St. Louis, Alton and Chicago Railroad, in township five north, range ten west of the third principal meridian, extending through the town of Upper Alton, to the eastern limits of the city of Alton, in Madison county; and the said William Shepherd, Castle R. Harrison and George R. Stocker, for the use aforesaid, and for the purposes aforesaid, are hereby authorized to take, use and enjoy all such rights, interests, claim or demand of this state in the work or material of that part of the road above described as is now belonging or appertaining to the state.

§ 2. This act shall be in force from and after its passage.
APPROVED February 21, 1859.

In force April
26, 1859.

AN ACT in relation to Forfeited Recognizances.

Additional fee.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases of forfeited recognizances in the courts of this state, where the forfeiture is set aside at the instance of the defendant or defendants, except where such forfeiture has been erroneously or irregularly entered, in addition to the ordinary costs, the sum of five dollars shall be taxed, as a fee to the state's attorney, and collected as other costs.

APPROVED February 21, 1859.

In force February
22, 1859.

AN ACT to authorize certain records to be transcribed.

County court
to provide
books.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the county court of Christian county to provide a sufficient number of blank books, substantially bound and suitable for recording deeds, which books, when pro-

vided, shall be delivered to the clerk of the circuit court of Christian county, who shall receipt for the same.

§ 2. As soon as such books shall have been delivered to said circuit clerk, he shall in due time proceed to all recording offices in this state where deeds or other title papers for lands lying within the said county of Christian have been by law required or permitted to be recorded, or where such records may be deposited or kept, and shall, from the books of said offices, make out and record in a fair and legible manner, in the books furnished him for that purpose, all deeds and title papers for lands lying in the said county of Christian, which have been recorded in any such recording offices as aforesaid; after which said circuit clerk shall make a certificate at the end of each book that the same was correctly copied.

Circuit clerk to transcribe records.

§ 3. The said circuit clerk in transcribing the deeds and title papers aforesaid, shall immediately after transcribing each deed, title paper and acknowledgment, note in said book at what time, in what office, book and page the same was originally recorded.

Notes.

§ 4. When said transcript shall have been completed and certified by said clerk as aforesaid and deposited in said clerk's office, in said county of Christian, they shall to all intents and purposes be considered as books of records of deeds and title papers for the said county of Christian, and copies of such transcribed deeds and title papers, certified by the recorder of Christian county, shall be evidence in all courts in this state in the same manner that copies of deeds and other title papers regularly recorded in the recorder's office of said county are evidence, and with the like effect.

Transcripts to be recorded.

§ 5. It shall be the duty of all recorders and other persons who may have the care, custody or control of any of the books in which deeds and other title papers to lands lying within the county of Christian have been recorded, to permit said clerk to make transcripts of all and every such deed and title paper, and for that purpose to have access to and the use of the books in which such deeds or title papers may be recorded.

Duty of recorders.

§ 6. Upon the completion of said transcribed records aforesaid, by the clerk aforesaid, the county court of said county of Christian shall make an order on the treasury of said county in favor of said clerk, for his services, at and after the rate of ten cents for every one hundred words contained in said transcript; which said order shall be paid as other county orders are now by law required to be paid.

Compensation.

§ 7. This act to take effect from and after its passage.

APPROVED February 22, 1859.

In force April
26, 1859.

AN ACT to legalize certain transcribed records in Macon county.

Preamble.

Whereas certain of the records of deeds, bonds, mortgages and other instruments of writing, required by law to be recorded in the office of the recorder of the county of Macon, were in danger of being lost, and being destroyed by means of the insufficiency of the books in which they were contained; and whereas, by order of the county court of said county, Joseph Q. A. Odor, clerk of the circuit court of said county, has transcribed, and caused to be transcribed under his supervision, the records contained in the old books in said recorder's office, marked and lettered "A," "B," "C," "D," "E," and "F," and has recorded the same in a large, and well bound book, marked and lettered "A"; and has transcribed, and caused to be transcribed, into a large, and well bound book, marked, and lettered "H," the records contained in the old book in said office, marked and lettered "H"; now, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the transcribed records, contained in record books, marked and lettered "A," and "H," as aforesaid, are hereby declared to be substitutes for the original, records made in said county, as follows, to-wit: Book "A," of the original books in said office marked "A," "B," "C," "D," "E" and "F," and book "H" of the original book, marked "H."

Transcripts de-
clared sub-
stitutes.

§ 2. *Be it further enacted,* That certified copies of the instruments, recorded in said "Transcribed Records" shall be made whenever required, and shall be received and taken as evidence, in all cases where copies from the original books in said office would have been so taken and received.

Certified copies
to be evidence.

§ 3. *Be it further enacted,* That it shall be the duty of said J. Q. A. Odor, clerk, &c., as aforesaid, to write in each of said books of transcripts a certificate to the effect that the same are full, true and perfect transcripts of the said books therein transcribed, and shall file copies of said certificates in the office of the clerk of the county court of said county of Macon; from and after which, this act shall be in force and a public law.

Certificate.

APPROVED February 4, 1859.

In force Febru-
ary 16, 1859.

AN ACT to restore the records of Wabash county.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the Genral Assembly,* That Finney D. Preston, of Richland county, be and he is hereby ap-

Finney D. Pres-
ton appointed
commissioner.

pointed a commissioner, and as such shall have power, upon giving thirty days' previous notice of the purpose of said commissioner, in some newspaper printed in the said county of Wabash, if one be published, and if none, then in the next nearest published to said county, and shall proceed, at Mt. Carmel, the seat of justice of said county of Wabash, in the state of Illinois, to take proof of the contents of all records, instruments and legal documents which were destroyed by fire in the court house lately burned in said county, at the instance and request of the parties interested therein, and, as such commissioner, shall have power to compel the attendance of witnesses when requested or required by the parties interested as aforesaid. And the proof so taken shall be entered of record in suitable and well bound books, to be provided by the said county of Wabash, and when so recorded and certified, shall be placed in the respective offices where the original records respectively belonged before their said destruction; and when so taken and recorded and placed in the said offices as aforesaid, shall be deemed and regarded as *prima facie* evidence of the contents of the said original records as aforesaid, and shall moreover be taken and held, or the duly certified copies thereof, in all courts and places in this state: *Provided*, that the destruction of said original records or any of the acts and doings of said commissioners shall not be deemed or held to impair any legal rights that the said parties interested might otherwise have in the premises. And the said commissioner shall receive the sum of five dollars per day for each day actually employed in taking of said proofs as aforesaid, to be paid out of any moneys in the state treasury, not otherwise appropriated.

§ 2. James S. Johnson, of Wabash county, be and he is hereby appointed secretary to the said commission; also, shall, at the expense of the said county of Wabash, provide an office room in the court house of said county, and who shall, when required by the said commissioner, enter of record in suitable well bound books, as aforesaid, all proofs taken of the contents of said original records, instruments and documents destroyed as aforesaid, and when done, shall place on file in the said offices respectively the said books containing the proofs of the contents of the said original records destroyed as aforesaid, and when so taken, recorded and filed by the said secretary, shall be deemed and taken as *prima facie* evidence of the original contents of said records, destroyed as aforesaid; and the said secretary shall receive for his services the sum of three dollars per day for each day actually employed, to be paid as provided for in the case of the said commissioner: *Provided*, that the whole sum to be thus drawn shall not exceed two thousand dollars.

§ 3. The said commissioner or secretary, or either of them, shall have power to swear witnesses that may appear

Duties.

Proof to be recorded.

To be prima facie evidence.

Proviso.

Compensation:

J. S. Johnson appointed secretary.

Shall record proof.

Compensation

Proviso.

Power to swear witnesses. to before said commissioner to testify with reference to the contents of the original records destroyed as aforesaid, and the said commissioner and the said secretary shall each, before entering upon their respective duties, take and subscribe to an oath conditioned for a faithful performance of their trusts, which said oath, when so taken and subscribed, shall be entered of record in the first book opened for the recording of said proofs.

Oath.

Vacancy. § 4. Should either or both of said commissioner or secretary vacate their said positions by death, resignation or refusal to serve, then and in that case it shall be competent for the circuit judge presiding in the 12th judicial circuit at the time such vacancy may occur to appoint in his or their stead suitable and competent person or persons, who shall possess the same powers and perform the same duties conferred and required by this act in relation to said destroyed records.

Judge to certify service. The said judge shall also certify to the number of days actually employed by the said commissioner and secretary as aforesaid: *Provided, also*, that the said commissioner shall commence, should he be requested or required by the parties interested therein, to proceed with the business of said commission in the taking and recording of said proofs by the first day of July, A. D. 1859, and that he be required by this act to discontinue the same at the expiration of one year from the said first day of July.

Proviso.

Constables and sheriffs empowered to serve process. Fees. § 5. Constables of said county of Wabash and sheriffs of any county in this state also are by this act empowered to serve process, and witnesses who may attend as aforesaid shall be allowed the same fees and compensation as are now allowed by law in civil cases in this state, which said fees and compensation shall be taxed against and recovered from the parties interested therein and who request process to issue and witnesses to attend to testify as aforesaid.

§ 6. This act shall take effect from and after its passage.
APPROVED February 16, 1859.

In force February 9, 1859.

AN ACT to restore to Wabash county certain books.

Preamble.

Whereas, on the 5th day of April, A. D. 1857, the court house at and for the county of Wabash was destroyed by fire, together with all the records, books, papers, &c., belonging to said county; therefore,

Secretary of state to furnish books.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the secretary of state be required to inquire into the loss of the said books, pertaining and belonging to the said county of Wabash, destroyed as aforesaid, and that the sec-

retary of state be required, as soon as practicable, to forward to the county clerk of said county a full set of the statutes and journals of the house and senate, reports of the decisions of the supreme court of the state of Illinois, for the use of said county.

This act shall take effect and be in force from and after its passage.

APPROVED, February 19, 1859.

AN ACT to restore the records of the City of Cairo, Illinois.

In force February 18, 1859.

Whereas the city hall, court room and office of the register of deeds, at, in and for the city of Cairo, was, on the eighth day of December, A. D. 1858, consumed by fire, with all the records and proceedings of the corporate authorities of said city, the records of judgments, decrees and files of the court of common pleas of said city, and the records of deeds registered and recorded by the said register of deeds therefor, together with all other documents relating to the offices aforesaid or contained in the archives thereof; therefore,

Preamble.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly*, That it shall be lawful for the mayor of said city, and he is hereby authorized to certify, under his hand and official signature, any and all ordinances of said city preserved by him in any manner, and which were in force at the time of said conflagration, and deliver the same to the city clerk, whose duty it shall be to record and enter each of said ordinances respectively in their order of record, in the book or record containing or purchased for the purpose of entering up the proceedings of the council of said city, and said record when so entered upon said book shall be taken and considered, and are hereby declared *prima facie* evidence of their having been duly passed, published and in force from the time of the passage and publication thereof, and according to their purport, tenor and effect.

Mayor to certify ordinances.

Be it further enacted, That the record aforesaid, or a certified transcript thereof, under seal of the city clerk, shall, in all cases, when relative to any issue or question, be in the first instance, competent testimony in any and all courts of this state to establish, *prima facie*, the validity and contents of said ordinances, and shall be regarded and adjudged to have been in force, unless by competent proof the contrary is proven, from the time they respectively purport to have been passed, or from the time they shall be certified by said mayor to have been passed up to and until repealed by the city council in due form of law.

Transcript to be prima facie evidence.

Process and orders of court of common pleas.

§ 3. *Be it further enacted*, That in all cases where any judgment or decree has been heretofore rendered and entered up upon the records of the court of common pleas anterior to the January term thereof, A. D. 1859, and in all cases where there has been any precipe, declaration, plea, or other paper pertaining to any cause filed therein, and any party interested therein shall desire to preserve or establish for future use any such judgment, decree, precipe, declaration, plea or other file or proceeding as evidence, it shall be lawful for the said party so interested, to make out and file with the clerk of the court of common pleas a written statement of all the material facts relative thereto, duly sworn to by him, setting forth, as near as may be, the time when the proceedings were had or made or entered up, or paper filed, and contents thereof, and praying that the same be entered of record; and upon the filing thereof with said clerk, it shall be his duty to issue a process in the nature of a *scire facias* against the opposite party or parties, requiring them to appear on the first day of the next term of said court and show cause why the said proceedings and statements should not be entered of record; and upon the return of said process, served either personally or by publication for four weeks, the first of which shall have been sixty days before the term at which said application is to be heard, it shall be lawful for said court, (on failure of defendant or defendants to appear and answer said process,) to order that said application, so made, shall, with the facts, as therein set forth, be entered of record upon the records of said court, and the same, when so done, shall be *prima facie* evidence of the truth of the facts therein stated.

Statement of defendant.

§ 4. *Be it further enacted*, That in case the defendant or defendants shall appear, in answer to said process, he shall be required, by rule of said court, to file his written statement, duly sworn to, relative to the matters set up by the applicant or plaintiff, and responsive to the matters alleged against him, and if he deny any portion of the same, he shall give his statement as to the truth of the facts connected therewith, and in case the parties agree to any state of facts, the same shall be entered up of record, and be conclusive as between them and those claiming under them; but in case the applicant insists upon the truth of his statement and fails to amend his application in conformity to defendant's answer, denying the same or any part thereof, or setting up other facts, he may traverse defendant's answer, or any part thereof, and the issue so found, may be tried by the court or jury, upon hearing parol or other testimony relative thereto, and the true facts from the proofs thus obtained, shall be entered of record, in said court, and be conclusive upon the parties and privies thereto.

Plaintiff may traverse defendant's answer.

Issue to be tried.

Judgments and executions.

§ 5. *Be it further enacted*, That in all cases where the existence of any judgment or decree shall be established in

either of the foregoing methods, it shall be lawful for the party entitled thereto to have an execution issued, as if upon the original judgment or decree, and for the amount appearing to be due thereby, and costs; and said judgments and decrees, and the right to have executions shall be evidenced as aforesaid, and the parties thereto shall have all the rights, titles and liens, as under the original judgments and decrees, of which said orders are the evidence.

§ 6. *Be it further enacted*, That in case the order of any applicant, as prayed, be entered up without any issue or contest, it shall be lawful for the clerk of said court to issue his fee bill against said applicant for the amount of costs accrued, in case the same be not paid by him, as said proceedings are had; but if defendant appear and traverse, deny or contest in any manner the truth of the matters set forth in the applicant's statement, the costs of said proceeding shall be taxed against the unsuccessful party. Fee bill.

§ 7. *Be it further enacted*, That in all cases where an application of this kind, as set forth in the four preceding sections, any judgment or decree shall have been established, or any state of facts shall have been found true, and ordered to be spread of record, the same as therein set forth, shall be deemed *prima facie* evidence of their existence and truth, in all manner of proceedings in any of the courts of this state, whenever the same may be offered relative to any issue, and certified transcripts of said records so made shall be competent testimony in all the judicial tribunals of this state, to establish *prima facie* the truth of the facts recited, or the existence of said judgments and decrees. Record to be
prima facie
evidence.

§ 8. *Be it further enacted*, That the register of deeds of, in and for the city of Cairo, and township 17 south, of range one, west, in Alexander county, be and he is hereby authorized to obtain from Cairo city proprietors, any and all deeds, title papers and contracts, pertaining or in any manner having reference to the title of property within said township, made and entered into previous to the date of filing the original plat of the city of Cairo, as the same was laid out by Messrs. Taylor and Davis, trustees, and upon obtaining the same, it shall be his duty to transcribe and record a correct transcript thereof in a book obtained for said purpose, noticing especially the time when such deed or other paper was filed for record, or recorded in the proper office, and said book, entries or transcript shall be deemed and is hereby declared a public record, and certified copies thereof shall be deemed competent evidence in all courts of this state, for all purposes, the same as from the original record thereof, and said deeds and title papers shall be deemed to take effect and be notice to all persons from the date of the original filing for record, and in case the same were not marked filed, of the date when filed, the same shall be notice from the date of being recorded, as evidenced by the record herein authorized Deeds, title pa-
pers and con-
tracts.

to be made: *Provided*, that in all cases where any of said deeds have been recorded by the county recorder the rights of all parties with reference thereto shall remain the same as if this act had not been passed—giving, however, to the record made under this act equal force and effect with the original deeds or records.

Public notice.

§ 9. *Be it further enacted*, That it shall be the duty of the said register of deeds, immediately upon the passage of this act, to give public notice by posting up the same in writing, at three of the most public places in Cairo, and also by publishing the same in some newspaper of said city for four consecutive weeks, to all persons concerned, that the registry book containing records of deeds for said city, have been consumed by fire, and that he is authorized by law to receive, examine and refile and again record all deeds and title papers and mortgages, concerning or having reference to real estate or personal property within the said city and township, and which have been recorded or are entitled to be recorded, and that he will, on some day, not less than four weeks from the posting and publishing said notice, arrange said deeds, papers, mortgages, &c., in the order of time in which they were originally filed for record, for the purpose of having them again entered in the registry of deeds, provided for said purpose, and requesting all persons to deposit their deeds mortgages, &c., on or before said day named for said purpose.

Duty of the register.

Title papers to be recorded.

§ 10. *Be it further enacted*, That it shall be the duty of said register of deeds, on or immediately after said day fixed, by the above mentioned notice, to proceed and enter of record all the deeds, mortgages, title papers, &c., of every kind, entitled to be recorded under the laws of this state, in the order of time in which they were originally filed for record, noticing and particularly recording the file remarks upon each, if there be any, and if any of said papers have not before been filed for record, he shall mark the same filed as of the day it was so filed, and enter and record the same in its order of time, and all deeds and papers so deposited shall take effect and be deemed notice from the time it shall have been originally filed, and certified transcripts of the register made under this act shall be deemed competent evidence and have the same effect as the original record thereof, or as certified transcripts of the original.

Where original papers have been destroyed.

§ 11. *Be it further enacted*, That in all cases where the original title papers, deeds, mortgages or other instruments have been destroyed and no record remains thereof, it shall be lawful for the party interested to proceed by *scire facias* in the same manner to establish the existence of said deed or other papers, and their contents, as is provided in sections from three to seven of this act, relative to judgments and decrees, as also the ordinances of the city of Cairo furnished by the mayor above mentioned to the register and city clerk,

and parol testimony shall be competent to prove and establish the same in the first instance, and when the same has been established, entered up and recorded, said records shall be *prima facie* evidence of the facts therein contained.

§ 12. *Be it further enacted*, That this act shall be in force from and after its passage: *Provided*, that from and after two years no *scire facias* shall be sued out under the provisions of this act, but all processes sued out within two years may be prosecuted to the final determination thereof. Provide.

§ 13. *Be it further enacted*, That for the services under this act for recording deeds, &c., the register shall be entitled to fees the same as the county recorders for like services, to be paid by the parties: *Provided*, that for transcribing the records furnished by the Cairo City Company on request, as also the ordinances of the city of Cairo, furnished by the mayor above mentioned, to the register and city clerk, he shall be entitled to such compensation only as may be allowed by the city council of Cairo and for services done under sections from three to seven, inclusive, of this act, the clerk of the court of common pleas shall be entitled to fees the same as for like other services rendered in said court, to be paid by parties to suits. Fees.

§ 14. *Be it further enacted*, That in all cases where parties holding deeds or title papers to real estate within said city or township have, since the destruction of records in this act mentioned, and before the passage hereof, refiled their deeds, title papers, securities or liens, for the purpose of being again recorded, and the same have been accordingly reregistered, the same shall take effect, and to all intents and purposes, operate in like manner as if filed and recorded in pursuance to the notice above required to be given. Title papers which have been re-filed.

§ 15. *Be it further enacted*, That the secretary of state, be and he is hereby authorized to furnish from the books in his possession belonging to the state, two copies of the statutes, and of each volume of the reports of the supreme court, to replace those destroyed by said fire, and that the sum of three hundred dollars be appropriated for the further purpose of purchasing the record books in which to record the several instruments, records, judgments, &c., herein authorized to be restored; said sum to be paid upon the warrant of the auditor, drawn in favor of the mayor of the city of Cairo, for the time being, and to be appropriated by him for said purpose. The secretary of state to furnish books.

APPROVED February 18, 1859.

In force February 24, 1859.

AN ACT for the relief of certain persons in the American Bottom.

Preamble.

Whereas the actual settlers in the counties of St. Clair, Madison, Monroe, Randolph, Jackson, Union and Alexander, on the Mississippi bottom, at the time of the high water, in June, 1858, have suffered much loss and damage by the inundation of their farms, the sweeping away of fences, drowning of stock, and the destruction of other property; and whereas, this general assembly is impressed with the propriety and justice of relieving them from the payment of taxes for the aforesaid year, thereby encouraging the reimprovement of that interesting section of our state; therefore,

Taxes remitted

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all taxes levied for state or county purposes, in the year 1858, on the property of any person or persons who were residents of the county in which they claim relief, immediately preceding the overflow of the Mississippi river, during the summer of the year 1858, and whose farms or improvements were submerged, and whose crops were damaged or destroyed by said high water, be and the same are hereby remitted and relieved; and if any such taxes shall have been paid, the same shall be refunded to the person or persons entitled thereto: *Provided*, that application therefor be made to the collector prior to the first day of June next, and if application for the refunding of said taxes be not so made, then it shall be the duty of the collector to pay over the same, or the portion thereof remaining in his hands at that time, as is required by the revenue laws of this State.

Proviso.

Duty of collectors.

§ 2. It shall be the duty of the collector of the several counties mentioned in this act, to make out and submit to their respective county courts, at the June term thereof, a written statement setting forth the names of the persons whose taxes have been remitted under this act, a description of the property, and the amount of taxes so remitted, opposite the respective names, in a like form and manner as said taxes may be charged on his taxbooks; the correctness of said statement shall be verified, and the amount thereon allowed in like manner as abatements for insolvencies, errors &c., are allowed, which statement shall be filed in the office of the county clerk.

To whom this act shall apply

§ 3. The provisions of this act shall not apply to any person or persons unless the greater part of their improvements excepting buildings, were submerged by said high water.

Certified copy.

§ 4. It shall be the duty of the secretary of state, immediately after the passage of this act, to forward a certified copy thereof to the county clerk of each county to which it refers, and upon the receipt of such copy, the clerk shall notify the collector, who shall proceed to discharge the duties required herein.

§ 5. The provisions of this act shall apply only to the several counties named in the preamble to this act, and to no others. Counties to which act applies.

§ 6. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT for the relief of George W. Cassidy.

In force February 22, 1859.

Whereas, on the 30th day of May, A. D. 1845, one George W. Cassidy entered in the office of the auditor of public Preamble.

accounts a certain tract of land, viz: the south-west quarter of the south-east quarter of section nineteen (19) township twenty-six (26) north, range twelve (12) west 2d principal meridian, containing forty acres, and paid into the state treasury therefor the sum of one hundred and sixty dollars; and whereas, after such entry, the title of the state of Illinois in and to said land entirely failed, so that such entry did not vest any title in said Cassidy; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the treasurer of the state of Illinois pay to George W. Cassidy the sum of two hundred and ninety-two dollars out of any money not otherwise appropriated. Treasurer to pay.

§ 2. This act to be in force from and after the passage of the bill.

APPROVED February 22, 1859.

AN ACT for the relief of John Crenshaw.

In force February 5, 1859.

Preamble.

Whereas there was a public sale by the state of Illinois, some time in the fall of 1841, of the ties and timbers prepared for the construction of the Shawneetown and Alton railroad, at which sale John Crenshaw became the purchaser of a certain lot of said timber, deposited at the Cypress mills on said contemplated road, in Gallatin county, state of Illinois, at and for the sum of \$1,250, and by the terms of said sale the said Crenshaw paid at the time, in cash, \$250, executing his promissory note, together with one Edgar Bogardus, for \$1,000, upon which note a judgment was entered against John Crenshaw by default, who was impleaded with Edgar Bogardus for the sum of \$1,243 33 cents; and whereas the said timber, so

purchased by the said Crenshaw, was unavoidably consumed by fire, thereby depriving the said John Crenshaw from any benefit whatever from said purchase; and whereas, also, John Crenshaw had a contract for the construction of a depot on the said contemplated road, at Equality, Gallatin county, and that on or about the fall of 1841, said Crenshaw lost by the firing of said depot by an incendiary, \$3,000 worth of timber, lumber, &c., for the construction of the same, for which loss the said Crenshaw has never received any remuneration from the state; now, therefore,

Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John Crenshaw be and is hereby forever released from the payment of the judgment rendered against him in the Sangamon circuit court, in favor of the people of the State of Illinois, for the sum of \$1,243 33, on the 16th day of November, 1847, which is the same mentioned in the preamble.

This act to take effect from and after its passage.

APPROVED February 5, 1859.

Release.

In force February 21, 1859. AN ACT for the relief of Charles Cuqua, Sheriff and Collector of Wabash county, and of George Musick, Sheriff and Collector of Logan county.

Preamble.

Whereas, the court house of the county of Logan was destroyed by an accidental fire on the 15th day of April, 1857, and by such fire the assessor's and collector's books, papers and unpaid receipts for taxes were consumed, while in their usual and customary place of deposit, and without any fault or neglect on the part of said George Musick, then sheriff and collector; and whereas the court house of the county of Wabash was, on the 5th day of April, A. D. 1857, consumed by fire, without the fault or negligence of said Charles Cuqua, then sheriff and collector of said county, and in said fire the assessor's and collector's books of said county, together with unpaid tax receipts, while in their usual and customary place of deposit, were destroyed; and whereas the said George Musick, as such sheriff and collector of Logan county, stands charged upon the books of the auditor of public accounts with the sum of sixteen thousand six hundred and twenty-eight dollars and eighty-six cents, the balance unpaid and unaccounted for of the taxes in said county, for the year 1856; and the said Charles Cuqua, as sheriff and collector of Wabash county, with the sum of two thousand five hundred and seventy dollars and seventy cents, the balance unpaid and unaccounted for of the taxes for the year 1856 of Wabash county.

SECTION 1. *Be it therefore enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby authorized to credit the said Charles Cuqua, sheriff and collector of Wabash county, with the sum above mentioned, as due from him; and the said George Musick, with the sum above mentioned, as due from him: *Provided*, the said auditor be satisfied that said Charles Cuqua and George Musick have fully and fairly accounted for all moneys due the state that have actually come into their hands by virtue of their said offices.

Auditor authorized to credit amount.

Proviso.

§ 2. That the county court of Wabash county be and they are hereby authorized, if they deem the same advisable, to release and discharge the said Charles Cuqua from liability as collector of county revenues of said county for the year 1856; and that the president and board of trustees of the town of Mount Carmel, and the treasurers and trustees of schools in said county are likewise authorized, if they deem advisable to release and discharge the said Charles Cuqua from liability for taxes for said year, levied under their several authority.

County court to release C. Cuqua.

Trustees of Mt. Carmel authorized to release C. C. qua.

§ 3. That the county court of Logan county be and they are hereby authorized, if deemed advisable, to release and discharge the said George Musick from liability for the county revenues of said county for the year 1856; and that the treasurers and trustees of schools in said county be and the same are hereby authorized, if by them deemed advisable, to release the said George Musick from liability for taxes levied under their authority for the year 1856.

County court authorized to release Geo. Musick.

§ 4. This act to take effect from and after its passage.

APPROVED February 21, 1859.

AN ACT for the relief of Alexander P. H. Doyle, late Collector of Fayette county.

In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Alexander P. H. Doyle be allowed the sum of fourteen hundred and one dollars and eighty-four cents, on account of an error in extending the state tax of Fayette county for the year 1855, for which year the said Doyle was collector.

Sum allowed.

§ 2. That interest be allowed to said Doyle upon said sum, from the 15th day of June, A. D. 1855, at six per centum per annum, until the sixteenth day of November, 1857, at which time sale of the lands of said Doyle was made upon judgment before rendered against said Doyle at the suit of the state; and from said sixteenth day of November, 1857, until the time of redemption, hereby limited, at the rate of ten per centum per annum.

Interest.

Time of redemption.

§ 3. That said A. P. H. Doyle shall be and he is hereby allowed until the first day of July, A. D. 1859, to apply said sum of money, and interest hereby allowed, upon the redemption of the several tracts of land bid in by the state upon sale had upon the judgment heretofore rendered against said Doyle, so far as the same may go: *Provided*, that such redemption shall only be made and had upon such tracts as have been so sold, and in the several tracts and parcels, as the same were bid off by the state.

Allowance to
be applied to
redemption.

§ 4. That the allowance hereby made shall be applied only in the redemption of said lands, and shall in no respect be construed to warrant the payment of any money out of the treasury of this state.

§ 5. This act to take effect and be in force after its passage.

APPROVED February 24, 1859.

AN ACT for the relief of Gallatin County.

In force Febru-
ary 23, 1859.

Preamble.

Whereas the auditor of public accounts reported to the legislature of this state, at its last session, that on the first day of December 1856, there was eight hundred and eighty acres of land, situated in Gallatin county, belonging to this state, and which had been purchased from the United States; and whereas, by an act entitled "An act for the relief of Gallatin county," approved February 16th, 1857, the said lands were intended to be granted to said county, to be held, reclaimed and disposed of in all respects as swamp and overflowed lands. Said lands being situate in a swamp, and more than half the year covered with water, and they having been subject to sale for a number of years, and being unsaleable and of no value in their then condition, the county court of Gallatin county, immediately after the passage of said act, believing that said lands were granted to said county, for the purposes and upon the conditions specified in said act, made contracts for draining said lands and reclaiming them from being swamp and overflowed, at an expense greatly exceeding the sum hereinafter named. And after said contracts had been made, part of the money therefor paid, and the residue agreed to be paid, and the most of the work done, said court discovered that said lands had been sold by the auditor, on the 22nd December, 1856, at two dollars per acre; therefore,

Auditor to
draw warrant

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the auditor of public accounts is hereby directed to draw a war-

rant upon the state treasurer in favor of the county of Galatin, for seventeen hundred and sixty dollars, the same being for the purchase money for said lands.

APPROVED February 23, 1859.

AN ACT to pay Presley P. Hamilton for services as State's Attorney.

In force Feb.
19, 1859.

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts is hereby authorized and required to issue from his office a warrant for the sum of five hundred dollars, on the treasurer of this state, in favor of Presley P. Hamilton, for services as state's attorney in the second judicial circuit court of this state, for the year 1857; and the said treasurer is hereby required, upon the presentation of said warrant, to pay the same out of any money in the treasury not otherwise appropriated.

Auditor to issue warrant.

Treasurer to pay same.

§ 2. This act to be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT for the relief of J. M. Higgins.

In force Feb'y
19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That J. M. Higgins be allowed the sum of seven hundred and seventy-five dollars and seventy-five cents, for services rendered as medical superintendent of the Illinois State Hospital for the Insane, and that the auditor of public accounts issue to him his warrant therefor.

Sum allowed.

§ 2. This act to take effect from and after its passage.

APPROVED February 19, 1859.

AN ACT entitled an act for the relief of the heirs and creditors of W. C. Kinney, deceased.

In force Feb'y
24, 1859.

Whereas the people of the state of Illinois had recovered a judgment against William Kinney, deceased, for the sum of \$13,093 14, of which Wm. C. Kinney, now deceased, as executor, and claiming the real estate of said William Kinney by deed and the last will and testament of said

Preamble.

William Kinney, has paid the amount of \$4,081 14, and in satisfaction of the balance of said judgment the state has purchased certain lands as belonging to said Wm. Kinney; and whereas, in the lifetime of said William C. Kinney, leave was granted, by various acts of the legislature, to redeem said lands by paying the amount bid therefor by the state, viz: the sum of \$9,012, of which amount the said William C. Kinney, during his lifetime, has paid the further sum of \$2,262 57, leaving an amount due, at the present time, of \$8,237 14 of principal and \$4,983 46 of interest; and whereas the estate of the said Wm. C. Kinney would be very greatly embarrassed, to the detriment of the children and creditors of the said estate, if the time for redemption was not extended;

SECTION 1. *Be it, therefore, enacted by the People of the State of Illinois, represented in the General Assembly, That* the executor of the said William C. Kinney, for the benefit of the children and creditors of his estate, be allowed the further time of two years from and after the passage of this act to redeem the lands held by the state under a sale by execution against Wm. Kinney, deceased; which sale took place on the 28th of March, 1846, by paying the amount due in state indebtedness to the treasurer of the state of Illinois.

§ 2. That upon the certificate of the said treasurer that the amount due for the redemption of said lands has been paid as aforesaid, by the executor of said William C. Kinney, deceased, the governor shall execute a release for said lands to said executor for the benefit of the children and creditors of said estate.

§ 3. That this law shall be in force from and after its passage.

APPROVED February 24, 1859.

Time of re-
demption ex-
tended.

Release.

In force Feb'y
17, 1859.

AN ACT for the relief of Joseph H. Moore, late Collector of McLean County.

Preamble.

Whereas Joseph H. Moore, late collector of the county of McLean, is defaulter in the sum of nine thousand eight hundred and sixty-six dollars on the revenue due the state for the year A. D. 1857; and whereas judgment has been rendered, at the January term, A. D. 1859, of the supreme court against the said Joseph H. Moore as principal and Isaac Funk, Jesse Funk, Asahel Gridley, John Magoun, William H. Temple, Robert Leach, John H. Wickizer, George Parke, John Gregory and John M. Scott, as securities, for the said sum of nine thousand eight hundred and sixty-six dollars; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the execution to be issued on said judgment shall not be levied on the property of any of said securities until after the expiration of two years from the date of said judgment: *Provided,* nothing herein contained shall prevent such execution from being levied upon the property of the said Joseph H. Moore, late collector as aforesaid: *And provided, further,* That nothing herein contained shall be so construed as to prevent said judgment from being a lien upon the property of each and every one of said securities: *Provided,* That such extension of time shall not go into effect unless said securities file, within sixty days from the day of the passage of this act, in the auditor's office of this state, their written agreement accepting the provisions of this act.

Execution not to be levied for two years from judgment.

Proviso.

Proviso.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 17, 1859.

AN ACT for the relief of the Bank of Naperville.

In force Feb'y 18, 1859.

Whereas the Bank of Naperville, located at Naperville, in DuPage county, has, in pursuance of the act in force January 10th, 1855, entitled "An act to amend 'an act to establish a general system of banking, and the act supplementary thereto,'" approved Feb. 10, 1853, filed with the auditor a certificate of its desire and intention to withdraw its bills from circulation, and is now desirous of withdrawing and canceling said certificate, and of resuming its business as if no such certificate had been filed; therefore,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said Bank of Naperville be and is hereby authorized to withdraw and cancel said certificate, and to resume and transact its business and conduct its affairs in every respect as if said certificate had never been made and filed with said auditor: *Provided,* that prior to the withdrawal and cancelation of such certificate and the resumption of business by the bank, the bank shall furnish to the auditor satisfactory evidence that not less than \$50,000 of actual cash capital has been duly subscribed and paid in by the stockholders of said bank; and shall also deposit with the auditor the amount of stock now required by the general banking laws of this state for the organization of a new bank under said laws.

Authorized to withdraw certificate.

Proviso.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 18, 1859.

In force Feb'y
24, 1859.

AN ACT for the relief of Jesse York.

Preamble.

Whereas the state of Illinois, by authority of law, sold and conveyed by deed, dated April 2, A. D. 1844, to one William Prentiss, the following lands, situated in Shelby county, Ill's, being the west half of the southeast quarter of section twenty-five, (25,) township 12 north, range 4 east, 80 acres, which said deed was duly recorded in said Shelby county; and whereas, afterward, on the 14th day of November, A. D. 1854, the state of Illinois, by mistake, again sold the same land to one Jesse York, of said Shelby county, for the sum of one hundred and twenty dollars cash down, and that the said Prentiss has the older and better title, and holds the said land; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor of the state of Illinois is hereby authorized to draw an order upon the treasurer of this state, in favor of Jesse York, for the sum of one hundred and twenty dollars, with interest on the same from the 14th day of November, A. D. 1855, at the rate of six per cent. per annum till paid, and that said order be paid by said treasurer on presentation. This act to be in force from and after its passage.

APPROVED February 24, 1859.

Auditor to
draw order.

In force Febru-
ary 1859.

AN ACT in relation to repeal of laws by implication.

Repeals.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the repeal of any penal statute, or law for the punishment of any crime or misdemeanor, shall not be construed as operating upon or affecting any case arising before the passage of such repealing statute, and the prior statute shall continue in force, as to all cases arising or existing before its repeal, unless otherwise expressly provided in the repealing act.

§ 2. This act shall take effect from and after its passage.
APPROVED February 19, 1859.

In force Febru-
ary 24, 1859.

AN ACT giving Justices jurisdiction in Replevin.

Jurisdiction.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That justices of the peace in this state shall have jurisdiction in all actions

of replevin, where the value of the property claimed does not exceed one hundred dollars.

§ 2. That when affidavit shall be filed before any justice of the peace, in this state, as is now required by law, in commencing an action of replevin in the circuit court, the justice before whom the same is presented shall issue the writ of replevin, directed to any constable of his county.

§ 3. All constables of this state are authorized and required to execute all writs of replevin issued in accordance with this act, and take the property and deliver the same to the claimant, and perform all acts that may be required of sheriffs of this state, according to law, in writs of replevin: *Provided*, the claimant or his agent or attorney shall give his bond and security to said constable for double the amount of the value of the property to be replevied, conditioned as is now required by law in cases of sheriff's executing said writ.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend section two of chapter twenty-five, Revised Statutes.

In force April 26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That so much of section two, chapter twenty-five, Revised Statutes, as requires two-thirds of the voters present to be in favor of incorporation before any town can avail themselves of our general incorporation laws, be and the same is hereby amended, that from and after the passage of this act it shall only require a majority of the voters of any town desirous of being incorporated to avail themselves of such general incorporation laws.

APPROVED February 24, 1859.

AN ACT to amend section 52 of chapter 30, of the Revised Statutes.

In force April 26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section 52, chapter 30, of the Revised Statutes, be and the same is hereby amended, so that hereafter, in all convictions for an assault with a deadly weapon, as defined in said section, the person so convicted shall be fined not exceeding one thou-

Fine and imprisonment.

sand dollars, (\$1000,) nor less than twenty-five dollars, or imprisoned in the county jail for a period not exceeding one year, or both, in the discretion of the court.

Coupons or
railroad tick-
ets.

§ 2. That whenever any person in the employ of any railroad company, whether such company is incorporated by this or any other state, shall fraudulently neglect to cancel or return to the proper officer, company or agent, any coupon or other railroad ticket, with the intent to permit the same to be used in fraud or injury of any such company, or if any person shall steal or embezzle any such coupon or other railroad ticket, or shall fraudulently stamp or print or sign any such ticket, or shall fraudulently sell or put in circulation any such ticket, any person so offending shall, upon conviction thereof, be punished by imprisonment in the penitentiary for the term of one year.

Breaking into
school house
or railroad car

§ 3. If any person or persons shall willfully, maliciously and forcibly break and enter any school house, or freight, or passenger railroad car, with intent to commit robbery, larceny, or other felony, shall be deemed guilty of burglary, and, upon conviction thereof, shall be punished by confinement in the penitentiary for a term not less than one year nor more than ten years.

APPROVED February 19, 1859.

In force April
26, 1859.

AN ACT to amend chapter 83, of the Revised Statutes, entitled "Practice."

Cause of chal-
lenge.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter it shall be sufficient cause of challenge to any juror called to be sworn in any cause that he has been sworn as a juror at any term of court held within a year prior to the time of such challenge.

APPROVED February 11, 1859.

In force April
26, 1859.

AN ACT to provide for constructing, maintaining and keeping in repair plank, gravel, or macadamized roads or pikes by a general law.

Five or more
persons may
form a com-
pany.

Directors.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* Any number of persons, not less than five, intending to construct, maintain and keep in repair a plank, gravel or macadamized road or pike, by electing not less than three nor more than nine of their number a board of directors, and by filing a certificate of their intention, signed by them, stating therein the

names of the board of directors elected, their term of office, the corporate name and style assumed, the amount of capital stock, the kind of road or pike and its general route, in the office of the county clerk of the county or counties in which the proposed road or pike may lie, may become and be a body politic and corporate, for the purpose therein stated, by the corporate name and style assumed, and by such name and style they and their associates and successors shall have succession, for a period not exceeding thirty years; shall have power to contract and be contracted with; to sue and be sued; to plead and be impleaded; to answer and be answered unto, in all courts and places; to make and use a common seal and alter the same at pleasure; and to make all needful by-laws, rules and regulations, for the management of the corporate property and for the procuring, collecting and forfeiting of such transfer of the same and affairs of such company, for the election of its officers, and the appointment of its agents, not inconsistent with the laws and constitution of this state or of the United States.

Corporate name.

Powers.

§ 2. Such company shall have the right and power to survey, locate, construct, maintain and keep in repair a road or pike, of the kind and upon the general route, as near as may be, prescribed in the said certificate, of such a width as may be deemed advisable by the board of directors, upon the usual and best modes of constructing such roads or pikes, with all needful bridges, sewers, ditches, toll houses, toll gates and such other appendages as may be necessary for the convenient use of the same, and for the safety and comfort of travelers thereon, and for the purpose may cross any street or alley, private road or public highway, railroad or canal: *Provided*, such company may construct any portion of such road or pike, and may construct the same partly of plank or wood, partly of gravel and partly of stone or all, and may commence the construction thereof at any point on the line of the location thereof.

Right of way.

Proviso.

§ 3. The stock of such company shall be held or considered as personal property, and every stockholder therein shall be individually liable only to the amount of his stock; and such company shall have power to borrow money, from time to time, for the purpose of constructing such road or pike, and for this purpose may pledge or mortgage its securities and other property: *Provided*, the whole amount borrowed shall not exceed at any time one-half of the amount of stock subscribed.

Stock to be personal property.

May borrow money.

§ 4. When two miles of such road or pike may be completed, such company may erect and maintain a toll gate thereon, and one toll gate for every two miles completed thereafter, and shall have power to fix and regulate the tolls to be charged and paid for passing on such road or pike: *Provided*, the tolls charged shall not exceed, for every vehicle, drawn by one animal, two cents per mile; for every

Toll gates.

Proviso

vehicle, drawn by two animals, three cents per mile, and one-half cent additional a mile for every animal more than two; for every ten of neat cattle, one cent; for every ten of sheep or swine, one cent a mile; for every horse and rider or led horse or mule, one cent per mile.

Collection of
tolls.

§ 5. It shall be lawful for any toll gatherer on such road or pike to stop and detain any person going on the same until the toll properly chargeable shall be paid; and any person who shall use such road or pike and refuse to pay said toll shall forfeit and pay for such refusal the sum of five dollars; and any person who, to avoid the legal toll chargeable on such road or pike, shall turn off the same, and passing toll gate and again enter upon the same, shall forfeit and pay the sum of ten dollars; and any person who shall forcibly pass any toll gate on such road or pike, without having paid the legal tolls, shall forfeit and pay the sum of twenty-five dollars. All penalties and forfeitures incurred under this section may be recovered, with costs of suit, in an action of debt, in the name of such company and for its use, before any justice of the peace of the proper county or any court having jurisdiction thereof.

Injuries and
obstructions.

§ 6. If any person or persons shall willfully or negligently, do or cause to be done any act or acts whatever, whereby such road or pike or any of its appendages shall be impaired, injured, obstructed or destroyed, such person or persons shall forfeit and pay to such company treble the amount of damages sustained by reason thereof, to be recovered, with costs, in name of such company and for its use, in an action of trespass, before any court having cognizance thereof, or any justice of the peace of the proper county, and, if willfully done, shall also be deemed guilty of a misdemeanor, and be subject to indictment and fine, not less than ten nor more than one hundred dollars, or imprisonment, not exceeding six months, or both, in the discretion of the court having jurisdiction thereof.

Road to be kept
in repair.

§ 7. It shall be the duty of such company to keep such road or pike in good repair, to erect and maintain mile posts thereon, and to keep upon each gate a list of tolls which may be properly demanded; and any toll gatherer who shall demand a higher rate than prescribed by such list shall be liable to the party aggrieved, or to any person who may sue for the same, for each such offence, in the sum of five dollars, to be recovered before a justice of the peace, in an action of debt, for the use of such person.

Right of way
over state and
county roads.

§ 8. Such company may locate and construct said road or pike, or any part thereof, upon any state or county road, by an agreement with the county court, or in counties adopting the township organization, with the board of supervisors or commissioners of highways, in which said state or county road may be situated, or upon any street or alley or public ground, within the limits of any incorporate town or city,

by an agreement with the corporate authorities of such town or city; which said agreement with such county court, board of supervisors, commissioners of highways, or corporate authorities, shall be in writing, and filed and recorded in the county clerk's office of the proper county; or may locate or construct such road or pike over any lands, owned and occupied by the state, and over any lands owned by any individual or corporation, by voluntary cession or by purchase. It shall be lawful for such company to appropriate and use so much of said land, not exceeding one hundred feet in width, as shall be necessary for the proper construction of such road or pike, on complying with the six following sections.

§ 9. The directors of such company may present a petition to the judge of any court of record in any county in which said lands lie to which such company is unable to acquire title as aforesaid, setting forth, by some proper description, the lands which are wanted for the construction of such road or pike or the appendages thereunto; and the names of the owners thereof, if known, distinguishing with convenience, if it can be done, the parcels claimed in severalty by the respective owners and praying for the appointment of appraisers to assess the damage which the owners of such land will severally sustain by reason of the appropriation thereof by such company, for the use aforesaid.

Assessment of
damages.

§ 10. On the presentment of said petition, said judge shall appoint a day for the hearing of the parties in interest, and shall direct such notice as he shall deem reasonable to be given of the time and place of hearing; and in case it shall appear that any owner of lands is a *femme covert*, or infant, or insane, or otherwise incompetent to take proper care of his or her interests, it shall be the duty of the said judge to appoint some discreet and respectable person to act in the premises in his or her behalf.

Infants, fem-
mes covert
&c.

§ 11. At the time appointed for such hearing, the said judge shall appoint three disinterested persons, freeholders, resident in the county in which said lands may lie, for the purpose of assessing the damages, and, in the order in which they were appointed, shall direct and specify what lands are proposed to be appropriated and occupied by such company, for the purposes aforesaid.

Commissioners

§ 12. Said appraisers, after being duly sworn, before some officer authorized to administer oaths, honestly and impartially to assess such damages, shall proceed, by viewing said lands and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each owner will sustain by the appropriation of his or her lands for the use or accommodation of said road or pike or its appendages, taking into consideration the benefits as well as the disadvantages said road or pike may be to said lands.

Duty of com-
missioners.

Report. § 13. The said appraisers shall make report to said judge, in writing, under their hands, reciting the order for their appointment and specifying the several parcels of land described therein with all necessary certainty, the names of the owners of the respective parcels, if known, and if not known, stating that fact, and specifying, also, the damages which the owners of the respective parcels will sustain by reason of the appropriation of the same, for the purposes aforesaid; and in case either of the parties are dissatisfied with the assessments the said judge may, on the hearing of the parties in interest, modify the assessment as to him shall appear just.

Title. § 14. On the payment of the damages thus assessed, together with the expenses of the assessment, as the same shall be settled by said judge, or on depositing the amount thereof for the use of such owners in such place as the judge shall direct, the said company shall immediately become entitled to the use of said lands, for the purposes aforesaid; and the report of the said appraisers, with the order of the said judge modifying the same, if the same shall have been modified, shall be recorded in the office of the recorder of the county in which said lands shall be situated, in the same manner and with like effect as deeds are recorded, without any other proof than the certificate of said judge that the report is genuine; and when said report and order shall have been recorded, as aforesaid, the said company shall be possessed of said land or real estate, and may enter upon and take possession and use the same, for the purposes hereinbefore recited: *Provided*, that said road or pike shall not be run through any door yard or orchard, or so as to disturb any building, without the consent of the owner or owners thereof.

Inspectors. § 15. In any county in which any plank, gravel or macadamized road or pike may be constructed, pursuant to this act, the county court, and in counties adopting the township organization, the board of supervisors, shall appoint three inspectors, freeholders and residents of the county, not interested in any such road or pike, whose term of office shall be two years and until their successors are appointed and qualified; the said inspectors shall take and subscribe to an oath faithfully and impartially to perform the duties of their office, and file the same in the office of the county clerk, and, when ordered by the power appointing them, they or any two of them shall, within fifteen days after being thus ordered, inspect any such road or pike, having given five days' notice to the company owning the same of the time of such inspection by leaving a written notice with any agent or officer thereof; and if upon such inspection they or any two of them shall determine such road or pike out of repair and unfit for use, they shall open the toll gates on such road or pike, and shall make a certificate of the facts and file the

same for record in the clerk's office of the county court; and after the toll gates are thrown open, as aforesaid, no toll shall be collectable by the company on any such road or pike until the inspectors or any two of them, upon the request of such company, shall examine such road or pike and make and file for record in the county clerk's office a certificate that the same is in good repair and fit for use; and the demanding or taking of toll by any such company, when the gates are thrown open, as aforesaid, shall render such company liable to a fine of ten dollars, to be recovered before any justice of the peace of the county, in the name and for the use of the county.

§ 16. The said inspectors shall be entitled to three dollars per day for their services, to be paid by the party ordering or requesting the same; and for filing and recording any papers appertaining to any such company in the clerk's office of the county court, the clerk shall be entitled to the usual fee in such cases, to be paid by such company. Compensation.

§ 17. Any company formed under this act shall file a copy of their by-laws, signed by the president and secretary of such company, and a list of all the stockholders therein, and the amount of the stock signed as aforesaid, in the county clerk's office of the proper county; and all papers filed in such office, relating to any such road or pike, or certified copies thereof, shall be held and considered as sufficient legal evidence of the facts therein stated, for and against such company, in all courts of this state. By-laws.

§ 18. Any such company may change its corporate name and style; may increase its stock; may extend such road or pike, or may construct and maintain lateral branches; or any two or more of such roads may consolidate and assume a new name and style, by filing a certificate thereof in the county clerk's office of the proper county, signed by the directors of any such company or consolidated company. Corporate name.

APPROVED February 21, 1859.

AN ACT to amend an act entitled "An act to establish and maintain a system of Free Schools," approved February 16, 1857. In force April 26, 1859.

Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the following sections of the above entitled act be amended so as to read as hereinafter expressed:

§ 34. At each meeting on the first Monday of April and October, the trustees, having ascertained the amount of state, county and township funds on hand, ready for distribution, shall apportion the same as follows: *First,* Apportionment of school fund.

two per cent. to the township treasurer: *Second*, whatever may be due for the books of the treasurer: *Third*, any reasonable amount for dividing school lands, making plats, &c.: *Fourth*, of the balance, one half shall be divided among the districts, in proportion to the number of children, under twenty-one, in each, and the other half in proportion to the attendance certified in the schedules. Thereupon, the township treasurer shall pay out the money to the several persons to whom it shall be distributed, and hold the balance, if any, apportioned on the schedules, subject to the order of the directors of the proper district. They shall also ascertain the amount of district tax money in the hands of the treasurer, and direct him to pay over the same on the order of the directors of the district to which it belongs.

Transfer of
pupils.

§ 35. Pupils may be transferred from one district to another, either in the same or in different townships, upon the written consent of the directors of both districts. A school thus formed, shall be under the control of the directors of the district in which it is kept; but each district shall be liable for its share of all the expenses of the school, in proportion to the number of scholars which it sends. A separate schedule shall be kept for each district, upon the return of which to the trustees of each township from which pupils are transferred, they shall each draw an order on their treasurer, in favor of the treasurer of the township in which the school is kept, for the amount certified in the schedule. But a majority of the directors of the several districts may unite the whole, or a part of each, into one, and place the school under the control of the [three] persons, whom they may appoint, and who shall be styled "Directors of Union School, in District No. —, in Township No. —," who shall be a body politic and corporate, with full power to levy taxes in the territory composing the union district, and with all other powers conferred by this act upon directors.

Election of di-
rectors.

§ 42. It shall be the duty of the legal voters in such [each] district, to meet at the school house, or other convenient place in the district, on the first Monday of September next, and elect three persons within the district, to be styled "School Directors," one of whom shall hold his office for one year, one for two years, and one for three years, to be determined by lot at their first meeting. But at each subsequent annual election, on the first Monday of September, one director shall be elected, who shall hold his office for three years, and until his successor is elected. The first election, in newly formed districts, may be held on any Monday, notice being given by the township treasurer, as for the election of trustees. The legal voters, when assembled, shall choose three of their number to act as judges, and one as clerk. In case of a tie, the judges shall decide it by lot, on the day of election. The directors shall ap-

point one of their number clerk, who shall keep a record of all the official acts of the board, in a book provided for the purpose. In all elections in school districts, either for the regular annual election of directors, or for filling vacancies in the board, or for raising money to build school houses or to extend the terms of schools beyond six months, it shall be the duty of the directors to give at least ten days' notice, by posting up advertisements in at least three of the most public places in the district. The notice shall state the place where such election is to be held, the time of opening and closing the polls, and the question or questions to be decided. No person shall be entitled to vote at any district election, on the question of raising money, unless he shall have resided in the district at least thirty days immediately preceding said election, nor unless he shall have paid a tax in said district the preceding year, or shall have been assessed in such district for the year in which such election is held. After every election of directors, the judges shall cause the poll book to be delivered to the township treasurer, with a certificate thereon showing the election of said directors and names of the persons elected, which poll book shall be filed by the township treasurer, and shall be evidence of said election. If any trustee or director shall not be an inhabitant of the district or township which he represents, an election shall be ordered to fill the vacancy, and no person shall be at the same time a director and trustee, nor shall a director or trustee be interested in any contract made by the board of which he is a member.

Notice.

§ 43. For the purpose of establishing and supporting free schools for six months, and defraying all the expenses of the same, of every description; for the purpose of repairing and improving school houses; of procuring furniture, fuel, libraries and apparatus; and for all other necessary incidental expenses the directors of each district shall be authorized to levy a tax, annually, upon all the taxable property of the district. They may also appropriate to the purchase of libraries and apparatus, any surplus funds, after [all] necessary school expenses are paid.

Tax.

§ 44. At any meeting prior to the second Monday of September, annually, the directors of each district shall ascertain how much money must be raised by special district tax for school purposes during the ensuing year. They shall then find what rate per cent. this amount will require to be levied; which rate, together with a list of the resident tax payers, shall be certified and returned to the clerk of the county court, on or before the second Monday of September. The certificate may be in the following form:

Rate to be certified to clerk.

"We hereby certify that we require the rate of ——— to be levied, for school purposes, on all the taxable property of our district, for the year 18—. Given under our hands this ——— day of ———, 18—.

A. B. } Directors district No. ———, township
C. D. } No. ———, range No. ———, county
E. F. } of ———, and state of Illinois."

The money thus raised shall be appropriated by the directors to the various objects for which it was intended.

District in two
or more coun-
ties.

§ 47. When a district lies in two or more counties, the directors shall return to the clerk of the county court of each county the names of the resident tax payers in each. The clerk of each county shall then furnish the directors the amount of the taxable property of the district, lying in his county, as returned by the assessor of the previous year. The directors shall then determine and certify the rates to be levied, and return the certificates to the clerk of each county. For the purpose of building school houses or purchasing school sites, or for repairing and improving the same, the directors, by a vote of the people, may borrow money, issuing bonds executed by the officers or at least two members of the board, in sums of not less than one hundred dollars. But the rate of interest shall not exceed ten per cent., nor shall the sum borrowed in any one year exceed three per cent. of the taxable property of the district. Nor shall the tax levied in any one year for building a school house exceed two per cent. of said taxable property.

Districts incor-
porated.

§ 48. The directors of each district are hereby declared a body politic and corporate, by the name of "School directors of district No. ———, township No. ———, county of ———, and state of Illinois," and by that name may sue and be sued in all courts and places whatever. Two directors shall be a quorum for business. The directors shall be liable, as directors, for the balance due teachers, and for all debts legally contracted. They shall establish and keep in operation, for at least six months in each year, a sufficient number of free schools for all the children in the district, over the age of five and under twenty-one years. They may adopt all necessary rules and regulations for the management of the schools, and shall visit and inspect the same as often as practicable. They shall appoint all teachers, fix the amount of their salaries, and may dismiss them for incompetency, cruelty, negligence or immorality. They may direct what branches shall be taught, and may suspend or expel pupils found guilty, on full examination, of refractory or incorrigibly bad conduct. No school site shall be purchased, nor shall a school house be erected, located, purchased or changed, nor shall a tax be levied to extend schools beyond six months, without the consent of a majority of the votes cast at an election, the notice of which shall state the questions to be decided, and shall be given as required in the forty-second section of this act.

§ 98. The public printer is hereby required to print Circular.
 thirty thousand copies of a circular from the state superin-
 tendent, including these amendments, for immediate dis-
 tribution, and also fifty thousand copies of the whole act, as
 amended, under the direction of the superintendent of pub- School law.
 lic instruction, and to be distributed by him to the several
 counties of the state, according to population.

APPROVED February 21, 1859.

AN ACT for the establishment of a system of Graded Schools in the city of In force Apr
 Galesburg. 26, 1859.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That all the District erect-
 territory within the limits of the city of Galesburg, Knox ed.
 county, Illinois, according to its present or future bounda-
 ries, is hereby erected into a common school district, to be
 known as Galesburg School District.

§ 2. All school lands, school funds, and other real or Funds and pro-
 personal estate, notes, bonds or obligations, belonging to perty.
 township number eleven north, and range one east of the
 fourth principal meridian, Knox county, Illinois, held or
 owned for school purposes, shall be divided between the
 city of Galesburg and the portion of the township without
 the same, in the proportion and manner following: The
 school trustees of said township shall, within thirty days af- Commissioners
 ter the first election contemplated by this act, appoint two to apportion
 commissioners, who are freeholders, one a resident of said the same.
 city, the other of said township, without the city, who, after
 being sworn well and truly to discharge their duties, shall
 ascertain the whole number of white persons, under the age
 of twenty-one years, residing in the whole of said township,
 and the whole number in said city, and in the township with-
 out the city; and, thereupon, said trustees shall divide and
 apportion said funds, real and personal estate, notes, bonds
 and obligations of said township, between the city and the
 township without the city, according to the number of white
 persons under the age of twenty-one years residing in said
 township. Said trustees shall have power to supply any va-
 cancy occurring among said commissioners.

§ 3. Said trustees, or other person or persons having cus- Trustees to de-
 tody or control of said funds or lands, shall pay over and liver the same.
 deliver to the board of education of Galesburg school district
 the portion of the funds, and other personal estate, notes,
 bonds and obligations, to which the school district may be
 entitled, and execute and deliver to the board of education

the necessary deeds and other conveyances for the share of real estate due said district under said division.

Board of edu-
cation. § 4. The public schools of said district shall be under the exclusive management and control of a board of education, to consist of the mayor of said city, who shall be the president of the board, and one director from each ward of the city, to be known as "The Board of Education of Galesburg School District," each of whom, with the treasurer and clerk of said board, shall be sworn to discharge their duties with fidelity.

Powers of
board. § 5. Said board shall have exclusive control over the school lands, funds and other means of said district, for school purposes, and shall have full power to do all acts and things, in relation thereto, to promote the end herein designed; may sell or lease said lands and other lands or property which may have been or may hereafter be donated, purchased or designed for school purposes in said district, on such terms, for cash or credit, and at such times as they may see proper; they shall have full power to receive conveyances or donations and to make the necessary deeds or leases for lands; and all conveyances by the board shall be signed and acknowledged before some competent officer by the president and secretary of said board: *Provided, however,* that no sale or lease of land for more than one year shall be made without the concurrence of five members of the board. A majority of the directors, with or without the president, shall constitute a quorum for the transaction of business; and in the absence of the president they may appoint one of their own body president *pro tempore*. The president shall only vote in case of a tie, when he shall have a casting vote.

Proviso.

School houses
and sites. § 6. Said board shall have full power to purchase or lease sites for school houses, with the necessary grounds therefor; to erect, hire or purchase buildings for school houses and keep them in repair; to furnish schools with necessary books, fixtures, furniture, apparatus and library or libraries; to establish, conduct and maintain a system of public graded schools, to be kept in one or more buildings in said district; to supply the insufficiency of school funds for the payment of teachers, and other school purposes, and expenses, by school taxes to be levied and collected as herein-after provided; to determine the number, make the appointment, and fix the amount of compensation of teachers, within said district, and of all other agents and servants: *Provided,* that the directors shall in no case receive any compensation for services as directors; to prescribe the studies to be taught and books to be used in said schools, including maps, charts, globes, &c.; to lay off and divide said district into smaller districts, and to alter the same, or erect new ones at pleasure; to pass by-laws, rules and regulations to carry these powers into complete execution, and for the government of

Repairs.

Books and fix-
tures.

G r a d e d
schools.

Funds.

Teachers.

Proviso.

Studies.

Districts.

By-laws.

their own body, their officers, agents and servants, and providing for their meetings and adjournments, and, generally, to have and possess all the rights powers and authority necessary for the proper establishment and control of an effective system of graded schools within said district; and they shall visit and inspect each and all the schools therein as often as may be necessary. Inspection.

§ 7. It shall be the duty of the board of education, and they shall have full power to determine the amount of money needed and to be raised for school purposes, over and above the amount from the school funds hereinbefore enumerated, or from other sources: *Provided*, said board shall not for any one year require to be raised more than one-half of one per centum, for the benefit of said schools, on the assessed value of the real and personal property of said city for such year, without a majority of the legal voters of said city authorize them to do so at an election to be held for that purpose, at such time, and conducted in such manner, as the board may direct; nor shall said board or said city council make any loan whatsoever for school purposes, without a previous authority by such vote; but with the concurrence of a majority of said voters, it shall be lawful to raise such sum, either by taxation or loan, as said board may see proper; and before the first day of August of each year, they shall determine the amount required to be collected by taxation for expenditure for one year from the first day of January then next ensuing, for school purposes generally, and certify the amount to the city council of Galesburg. Money.
Proviso.

§ 8. It shall thereupon be the duty of the city council to levy said sum on all the real estate and personal property of said city, according to the assessment and valuation thereof, for the current year, equally, by a certain rate per centum, and collect the same as city taxes are collected. A special column shall be prepared in the city duplicate, headed "School purposes," in which shall appear the amount of tax for school purposes, chargeable against each parcel of real estate or amount of personal property; and when said taxes are collected the treasurer shall keep a separate account of the same, and they shall be used and applied for school purposes only, and shall be paid only on the order of said board. Tax.

§ 9. It shall be the duty of the board to cause an abstract of the whole number of white children, under the age of twenty-one years, within said district, to be made, and furnish the same, with such further information as is required in section 36 and 79 of the act to establish and maintain a system of free schools, approved February 16, 1857, to the school commissioner of Knox county, Illinois, within ten days after the same shall have been ascertained; and the school commissioner shall pay, annually, to the said board, for the exclusive use of said district, the amount the district Abstract of
Children.

is entitled to receive from the funds that are or may be in his hands, subject to distribution, for the support and benefit of the schools in said county, in accordance with the provisions of the free school law now in force, the same as if no special charter had been conferred upon the schools of the city of Galesburg.

Power to borrow money.

§ 10. The city council of the city of Galesburg are hereby vested with full power to borrow such sums of money, being subject to the restriction contained in the 7th section of this act, as they may deem necessary for school purposes in said district, at a rate of interest not exceeding ten per centum per annum, which may be made payable semi-annually, at such place as may be agreed upon; and the money, when so borrowed, shall be placed under the control of the board of education.

Election of board of education.

§ 11. The board of education shall be elected by all the qualified voters of said school district, but one director shall reside in each of the wards of said city, and be a householder and freeholder thereof. The directors shall hold their offices three years from the day of their election, except that one-third of the first board elected under this act shall retire from office at the expiration of the first year, one-third at the expiration of the second year, and one-third at the expiration of the third year; and the period of their retirement shall be decided as follows: the clerk of the city council shall take six strips of paper on two of which he shall write the words "One year,"—on two, "Two years,"—on two, "Three years;" each member elect shall draw, and shall serve the period of time indicated by the words on the paper which he draws. An election shall be held annually, at the place where the city council of Galesburg hold their meetings, on the first Monday of June; at the first of which all of said directors shall be chosen; and at each election thereafter successors to the directors whose terms are about to expire. For the first election, the election officers shall be appointed by the city council of Galesburg, and notice thereof being published by said council ten days before the election in a newspaper of said city; but for each subsequent election said appointments shall be made by the board of education, and notice given by them as aforesaid, and for what wards directors are to be chosen; and said election shall, in every other particular, the supplying vacancies in the officers thereof, substituting the place for holding the election, conducting the election, making the returns, &c., &c., be governed by the ordinance of the city of Galesburg, in force at the time of election. Said board shall be the judges of the election and qualification of its members, and in determining the same, shall be governed by the city ordinance as aforesaid. All officers under this act shall hold their offices until the election and qualification of their successors. Removal from his ward, and not out of the city,

Notice.

Manner of election.

by any director, shall not vacate his office; and whenever any vacancy shall occur in the office of director the city council of Galesburg shall supply the same, upon notice thereof by the board of education, but such appointment, so made by the city council, shall only continue until the next regular election of directors, when a successor shall be elected, who shall hold his office for the unexpired term only.

§ 12. The treasurer and clerk of the city of Galesburg shall be the treasurer and clerk of the board of education; and the board shall determine their duties, compensation and amount of security to be given. Treasurer and clerk.

§ 13. Said board shall cause all funds not needed for immediate use to be loaned, at the rate of ten per cent. per annum, payable semi-annually in advance. No loan shall be for a longer period than five years, and, if exceeding one hundred dollars, shall be secured by unincumbered real estate, of at least double the value of the loan, without estimating perishable improvements; for any sum of one hundred dollars or under, good and satisfactory personal security may be taken. Funds to be loaned.

§ 14. All notes and securities shall be to the board of education, for school purposes; and the borrower shall be at all expenses of examining titles, preparing and recording papers. Notes and securities.

§ 15. In settling the estates of deceased persons, debts for school purposes shall be preferred to all others, except those attending the last illness of the deceased and his funeral expenses, excluding the physician's bill. Debts of estates.

§ 16. If default be made in the payment of interest, or of principal, when due, interest at the rate of twelve per cent. per annum on the amount due shall be charged from the default, and may be recovered by suit. Suit may be for the interest only, whether the principal be due or not; and if the interest be not paid within ten days after the same becomes due, the principal, at the option of the holder of the note, shall thereby become due, and may be recovered by suit, if necessary. Default.

§ 17. All judgments for principal or interest, or both, shall draw interest at the rate of twelve per cent. from the rendition of judgment; and said board may purchase in property sold on execution or decree in their own favor, as other persons, with right of redemption, as in other cases. No judgment for costs shall be rendered against said board, to be paid out of the school funds. Judgments. ;

§ 18. If the security for any loan or other debt due the school district, in the judgment of the board, become doubtful or insecure, they shall cause the debtor to be notified thereof; and if he do not immediately secure the same, to the satisfaction of the board, the principal and interest shall thereby become due immediately and suit may be Additional security.

brought against all the makers of the note, although such condition or stipulation be not inserted in the note.

Annual state-
ment.

§ 19. The board of education shall publish, annually, a statement of the number of pupils instructed the preceding year, the several branches of education pursued, the receipts and expenditures of each school, specifying the resources of such receipt, and the objects of such expenditures.

Scholars.

§ 20. Said board shall have full power to admit persons who do not reside within said district into said schools, upon such terms as they may think proper.

Admission.

§ 21. All free white persons, over the age of five years and under the age of twenty-one years, residing within said district, shall be admitted to said schools free or upon the payment of such rates of tuition as the board shall prescribe; but nothing herein contained shall prevent persons being suspended, expelled, or kept out of said schools altogether, for improper conduct.

Bonds and ob-
ligations.

§ 22. In purchasing or leasing grounds or buildings, for school purposes, said board of education may do so on credit; and when the price and conditions of the purchase or lease are agreed upon, the board may certify the same to the city council of Galesburg, and the council shall make, or cause to be made, to the proper party, the bonds or obligations of said city for the payment of the purchase money according to said terms; or said board may execute in their own name, said contract, bonds or obligations, and they shall be binding upon said city, and the council shall provide for the payment of the same and the interest thereon as it becomes due, as though they were executed by the city of Galesburg and under her corporate seal.

Act attached to
charter.

§ 23. This act shall be attached to the act incorporating the city of Galesburg and be considered a part of said charter.

Election.

§ 24. This act shall not take effect or be in force without a majority of the legal voters of said city shall decide in its favor, at an election for that purpose, to be held at such time and conducted in such manner as the council of said city may direct.

APPROVED February 18, 1859.

In force Febru-
ary 21, 1859.

AN ACT to incorporate the Lee Centre Union Graded School and Union District Number one.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Lyman C. Wheat, Charles Gardner and Leander C. Sawyer, direct-*

ors of Union District No. one, of towns 20 and 21, ranges 10 and 11, and their successors in office, to be elected as hereinafter provided, be and they are hereby created a body corporate and politic, by the name and style of the "Directors of the Lee Centre Union Graded School;" to have and to use a common seal and alter the same at pleasure, with power to sue and be sued; to plead and be impleaded; and to acquire, hold, sell and transfer both real and personal property, by any and all usual modes, as individuals may or can do.

Body corporate
and politic.

§ 2. The object of this corporation is to promote the cause of education, by the establishment and maintenance of a union graded school, at the village of Lee Centre, in the county of Lee; and to more fully accomplish that object, and for the permanency and stability of the said union district, the following boundaries are hereby fixed and ordained, to wit: the whole of sections No. (5) five, (6) six, (7) seven, (8) eight, (17) seventeen and (18) eighteen, in township No. (20) twenty; also section No. (31) thirty-one and the west half of section No. (32) thirty-two, in township No. (21) twenty-one, all in range No. (11) eleven; also section No. (1) one and the north-east quarter of section No. (12) twelve, in township No. (20) twenty; also the south half of section No. (36) thirty-six, in township No. (21) twenty-one, of range No. (10) ten—all east of the (4th) fourth principal meridian.

Objects of in-
corporation.

Boundaries.

§ 3. The boundaries of said district shall only be reduced in the following manner, to wit: Upon the presentation to said board of directors of a petition, signed by at least twenty legal voters, setting forth particularly the change desired, it shall be the duty of said board of directors to post notices in at least five public places in said district, for at least ten days, stating particularly the change petitioned for and naming the time and place at which the legal voters of said district shall meet to vote on said change. If a majority of the votes cast at such meeting shall be in favor of such change, it shall be made, by recording a certificate thereof, signed by the president and secretary of said board, in the town treasurer's office, in the town of Lee Centre, and also in the county clerk's office, in the county of Lee. Meetings held under this section shall be conducted as the board may, by its by-laws, direct.

Boundaries
how reduced.

§ 4. Additions may at any time be made to the boundaries of this district, by the joint action of the trustees of the towns affected thereby and the board hereby created, and recorded as provided in section three of this act:

Boundaries
how enlarged.

§ 5. The first election held under this act shall be held on the first Monday in October, A. D. 1859; notices of which shall be posted by the directors of said district, as provided by the general school law. All persons residing within the limits of this corporation, qualified to vote at

First election.

Term of office
of directors.

general elections, shall be legal voters, at the first election held under this act. And all elections under this act shall be conducted in the same manner as provided by law for the election of school directors, except as herein provided. The first directors elected under this act shall hold their office as follows: one for the term of one year, one for the term of two years, and one for the term of three years; and the first directors elected under this act shall determine the term which they are severally to hold, by casting lots therefor, on the day of said election; and there shall annually thereafter, on the first Monday in October, in each year, be elected one director in said district, in place of the one whose term expires on that day, to hold his office for the term of three years, and until his successor is duly elected. Returns of said elections shall be made to the township treasurer of the town of Lee Centre.

By-laws and
regulations.

§ 6. Said directors shall have power to make, alter and establish, from time to time, such rules, by-laws and regulations as they may deem necessary for the good government and the proper management of the institution under their control: *Provided, always*, that such rules and regulations are not inconsistent with the constitution of the United States or of this state.

Proviso.

Powers of di-
rectors.

§ 7. Said directors shall have power and authority, from time to time, to regulate the course of studies to be pursued in said institution; to fix the rate of tuition, room rents and other expenses; to appoint or employ instructors and such other officers and agents as may be needful in the management of said institution; to define their powers, fix their duties, displace or remove them at pleasure; to rent or lease said buildings, or any part thereof, for school purposes, if they deem the same conducive to the good of the cause of education, in all cases reserving the control thereof to themselves; and, finally, to be, in fact, the only school directors in said district, with all the powers, rights and privileges given to school directors and school districts under the general school laws of this state, by which they are to be governed, except as herein provided.

Taxes.

§ 8. The directors shall have power to levy taxes, not to exceed one per cent. per annum, on the taxable property of said districts, for the purpose of paying the debts due from or assumed by said directors for school purposes, building or repairing school houses, furnishing school apparatus, libraries, and for all other purposes, in manner and form as provided by the general school law.

Treasurer.

§ 9. The town treasurer of town (20) twenty north, range (11) eleven east of the fourth principal meridian, shall be *ex officio* treasurer of the board hereby created, and receive such compensation as the board may determine, and give bond, as required by law.

§ 10. The collector of the town of Lee Centre shall be *Collector.*
ex officio collector of all school taxes in said district, and shall pay all taxes collected for school purposes, in said district, to the treasurer of said board, whose receipt shall be a good and only voucher in the settlement of said collector with the county treasurer.

§ 11. The county clerk of said county of Lee shall cause all school taxes levied in said district and returned to him, in pursuance of law, to be included in and extended upon the collector's book for the town of Lee Centre, who is hereby declared to be the only authorized collector of school taxes in said district. *Duty of county clerk.*

§ 12. The trustees of schools in the different towns of which this district forms a part, are hereby required to cause to be distributed and paid upon all schedules of scholars residing in their respective towns and attending school in the institution under the control of the board hereby created, and properly certified and returned to the township treasurer of their said town, an equal *pro rata* share of all school funds distributed by them; and refusal by said trustees to apportion and to pay over the fund, as herein provided, or a failure therein, shall render said trustees, so refusing or failing, personally responsible for the amount so due, to be recovered by action of debt, in the name of the directors, before any court having jurisdiction of the sum in controversy. *Duty of trustees.*

§ 13. Whenever the trustees of the Lee Centre Academy, or a majority of them, shall execute and deliver to the clerk of the circuit court of Lee county their written consent to this act, and the same has been duly recorded in the recorder's office in said county, all the corporate property of said trustees, both real and personal, shall be vested in the corporation hereby created; and any and all acts of the said trustees of the Lee Centre Academy and of the directors of Union District No. One, in the town of Lee Centre, are hereby declared legal and valid, notwithstanding any irregularity therein. *Penalty for neglect of duty.*

§ 14. The said board of directors shall, at their first meeting after their election, and at each of their annual meetings thereafter, elect one of their number president and another of their number secretary, to hold their office for one year and until their successors are duly elected. It shall be the duty of the president and secretary to sign all papers and documents of said board, and the same are hereby declared legal and valid, when signed as above. The board of directors shall hold at least one annual meeting in each year, the time and place to be fixed by themselves, as they may determine. *Trustees of Lee Centre Academy consent of to vest property in district.*

§ 15. Said institution shall be entitled to a suit of the specimens to be collected under the fourth section of an act *Acts of legalized.*
President and secretary.
Entitled to suit of specimens.

entitled "An act for the geological and mineralogical survey of the state of Illinois," approved February 17, 1851.

Acts repealed.

§ 16. All acts or parts of acts conflicting with this act are hereby repealed, so far as their application to this act is concerned.

Public act.

§ 17. This act shall be deemed and taken as a public act, in all the courts in this state, and shall be in force from and after its passage.

APPROVED February 21, 1859.

In force February 24, 1859.

AN ACT to establish the Lincoln School District, in Logan county.

Lincoln school district formed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following school districts, to-wit: District No. three (3,) in township twenty (20) north, of range two (2) west, and district No. four (4,) in township twenty (20) north, of range three (3) west, in the county of Logan, and state of Illinois, be and the same are hereby formed into and shall constitute one school district, and be known and designated as the Lincoln school district; and the inhabitants thereof shall be entitled to and possess all the powers, privileges, rights and immunities of other school districts, now provided for by law.

Election directors.

§ 2. It shall be the duty of the legal voters within said school district to meet at some convenient place within the district, on the first Monday of March next, or as soon thereafter as convenient, and elect three persons within the district, to be styled "School Directors," who shall continue in office for the term of two years, and until their successors are elected. The notice for said election shall be given, and said election shall be conducted in the manner now provided by law for the election of directors in school districts.

Notice.

Powers.

§ 3. The said directors, in addition to the powers now defined by law, as directors, shall possess all the powers and privileges of trustees of townships, for school purposes, and shall be recognized and regarded by the school commissioner, county clerk, and all other officers of this state, as possessing all the powers, privileges and rights of trustees of the congressional townships in this state, and are hereby required to perform all the duties of such trustees, as well as directors, for said school district.

Nothing to interfere with former contracts.

§ 4. Nothing contained in this act shall be so construed as to interfere with any contract heretofore made by the school directors of any portion of the territory constituting said school district, with reference to the employment of teachers, the building of school houses, the purchase of

ground for school purposes, or any other act done or performed by them as such school directors.

§ 5. This act shall be in force and take effect from and after its passage.

APPROVED February 24, 1859.

AN ACT to amend an act entitled "An act to incorporate Rock Island School District," approved February 18, 1857. In force February 22, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the annual election of the board of education of the Rock Island school district shall hereafter be held on the fourth Tuesday of March in each year. Time of election.

§ 2. After the next annual election, the said board of education shall consist of three members, one of whom shall be elected annually, and whose several terms of office shall be for three years and until their successors are elected and qualified. One member of said board shall be elected at the next annual election; the two members of the present board, whose term of office does not expire till the first Tuesday of April, 1860, shall continue in office, one of them for one year and one of them for two years, from the time for holding the next annual election and until their successors are elected and qualified. At the first meeting of the board after the next annual election it shall be determined, by lot, which of said two members shall hold his office for two years. So soon after each annual election as practicable, the said board shall appoint some legal voter of said school district an alternate member thereof; and in case of a vacancy in said board, or of the absence of a regular member from the district, said alternate shall have all the powers and perform all the duties of a regular member during said absence, or until said vacancy is filled, as provided for in the act to which this is an amendment. Term of office.

§ 3. Any officer whose duty it shall be to collect the taxes levied by or payable to said board of education, shall, on the last Saturday of each month, pay to the treasurer of said board so much of said taxes, after deducting his percentage, as he has collected and not paid previous to that time; and for failure to make payments, as herein required, he shall forfeit to said board, for school purposes, his percentage for collecting the taxes so retained, and two per cent. a month on the amount so retained, from the time it was due until it is paid. Alternate member.

§ 4. If there is an omission in any year to legally assess the school tax levied by said board of education upon any Collection of taxes.

Omission to
assess school
tax.

real estate or personal property within the limits of said district and subject to taxation, the taxes thus omitted to be legally assessed shall be added to the assessment upon the property the following year, and collected and paid into the treasury of said board.

Prior acts.

§ 5. All prior acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed, and any act of the general assembly now in force or hereafter enacted, shall not be construed in any manner to repeal, alter or change any of the provisions of this act, unless such act shall specifically provide for such repeal, alteration or change.

§ 6. This act is declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 22, 1859.

In force Febru-
ary 18, 1859.

AN ACT to amend an act entitled "An act to amend the charter of the city of Peoria and to establish and regulate a system of Public Schools in said city."

Charter amen-
ded.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the eighth section of the act entitled "An act to amend the charter of the city of Peoria and to establish and regulate a system of public schools in said city," approved February 14th, 1855, be and the same is hereby so altered and amended that on the first Monday of April next and on the first Monday of April of any subsequent year, whenever any school tax has not been voted at the election in the month of November, specified in said eighth section, a vote shall be taken for and against levying a school tax for the current year; and the election for that purpose shall be held at the same time and places in said city as are or may be provided by law and the ordinances of said city for holding elections for members of the board of school inspectors of said city; and that at such elections the voters shall vote for or against a school tax, by having appropriate words written or printed upon the ballots for said school inspector: *Provided, however,* that the said board of school inspectors shall, previous to such election, determine the amount of money which in their opinion will be necessary for the support of the public schools of the city to be raised by taxation that year, which may be the same as the amount determined upon previous to the preceding November election, or a different amount, in their discretion; and shall publish in one or more newspapers published in the city of Peoria, at least one week previous to said first Monday of April, a statement of the amount which, in their opinion, will be necessary to be raised by taxation for that year, for the support of public schools and school purposes.

Election for
and against
tax.

Statement pub-
lished.

The said elections shall, in all other respects, be conducted and held as is or may be provided by law and the ordinances of said city; and if it shall appear that a majority of all the voters voting on the question are in favor of a school tax, then the amount so last determined upon by the board of school inspectors shall be assessed and collected in the same manner as the city taxes, and paid over by the collector to the treasurer of the board of school inspectors.

§ 2. *Be it further enacted*, That the school commissioner of Peoria county be and he is hereby authorized, upon receipt of the auditor's warrant, to pay to the treasurer of the board of school inspectors of the city of Peoria a sum which shall bear the same proportion to the amount of the warrant that the number of persons in the city of Peoria under twenty-one years, as described by the common school law, shall bear to the whole number of persons under twenty-one years in the above named county of Peoria, and that said commissioner shall, after payment of above stated sum, proceed to make distribution of the remainder of said warrant as provided by law. Duty of school commissioner.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED February 18, 1859.

AN ACT to legalize an assessment of taxes in [a] certain school district in the county of Peoria. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an assessment of taxes made and levied in a certain school district in the county of Peoria, known as the Rome district, and composed of fractional township ten north, range nine east, and sections thirty-one and thirty-two in township eleven north, of range nine east, in the year 1858, for the purpose of building a school house in said district, be and the same is hereby legalized and declared in all respects valid; and the same shall be collected as is now provided by law for collecting taxes in such cases. Assessment legalized.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force February 14, 1859. AN ACT to legalize the assessment of School Directors of School District No. One, in T. 19 N., R. 11 W., in Vermilion county, State of Illinois, for the year 1858.

Preamble.

Whereas the school directors of district No. one, in T. 19 N., R. 11 W., in Vermilion county, state of Illinois, did levy, for the year 1858, twenty cents for general school purposes and eighty cents for paying teachers and extending terms of schools, on each one hundred dollars' valuation of taxable property in said district, without the consent of a majority of the voters in said district, as provided by sections 44 and 48 of "An act to establish and maintain a system of free schools," approved February 16, 1857; and whereas the superintendent of public instruction has decided officially that the provisions of said sections 44 and 48 of said act requiring the consent of a majority of the legal voters of each school district to levy taxes for the purpose of extending the terms of schools for a longer period than six months in each year are null and void; wherefore,

Assessment legalized. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That the assessment of school directors of school district No. one, in T. 19 N., R. 11 W., in Vermilion county, state of Illinois, for the year 1858, for general school purposes and for paying teachers and extending terms of schools for said year, be and the same is hereby legalized and declared to be equally as binding and legal as said assessments would have been had said assessment been made with the consent of a majority of the legal voters of said school district.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 14, 1859.

In force February 18, 1859. AN ACT to legalize the schedules of schools taught in Mowequa, Shelby county.

Schedules legalized. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That the schedules of schools taught by W. M. K. Eaton, in the town of Mowequa, Shelby county, being township 14 N., R. 2 east, in the year 1855, be and the same are hereby legalized, and that the school trustees of township 14, range 2 east, and township 14, range 1 east, of said county, be and they are hereby authorized and required to receive said schedules and require the same to be paid as other schedules.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 18, 1859.

AN ACT to legalize the acts of the Board of School Trustees therein named. In force February 14, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the acts and doings of the board of trustees of township number twenty-eight, range nine east of the fourth principal meridian, in the county of Stephenson and state, of Illinois, at meetings held on the fourth and thirteenth days of January, in the year one thousand eight hundred and fifty-eight, in relation to altering, enlarging, consolidating or forming school districts, are hereby legalized and declared to be of full force and effect. Acts legalized.

§ 2. This act to be in force from and after its passage.

APPROVED February 14, 1859.

AN ACT to legalize certain proceedings of the School Trustees of town. 26, R. 9, in Will county, and of a certain school district therein. In force February 19, 1859.

Whereas doubts exist whether the proceedings for the formation of union school district number one, in town thirty-six, range nine, in Will county, are strictly regular; and whereas a considerable sum has been raised for the building of a school house in said district, for the purpose of removing all doubts as to the regularity of said proceedings, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the acts and proceedings of the school trustees of town thirty-six, range nine, in Will county, and of the school directors of union district number one, in said town, in uniting districts and levying and collecting taxes for building school house and the support of schools therein, be and the same are hereby legalized, and that all proceedings may be had in the same manner as if the said beforementioned proceedings had been strictly regular and legal. Acts legalized.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT for the relief of the tax-payers of School District No. 1, in the town of Princeton, Bureau county. In force February 15, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it is hereby made the duty of the present collector of the town of Duty of collector.

Princeton, in Bureau county, to collect, of the tax levied for school building and contingent purposes, for the year 1858, in school district No. 1, in said town, the sum of seventy-five cents on each one hundred dollars of valuation in said district, or three-eighths of said tax, and no more; and the remainder of said tax, or five-eighths of said tax, is hereby remitted and declared void; and if, before being notified of the passage of this act, the said collector shall have collected any part of said school tax, it is hereby made the duty of said collector to refund so much of the tax so paid as shall exceed the said sum of seventy-five cents on the one hundred dollars of valuation to the person having paid such tax, or his authorized agent; and the school directors of said district No. 1, are hereby authorized to expend such tax, when so collected, either for general school purposes or for contingent expenses, as they shall deem expedient.

To refund tax.

Authority of directors.

§ 2. This act to take effect from and after its passage.
APPROVED January 15, 1859.

In force February 24, 1859. AN ACT to relieve school District No. 1, in the town of Chenoa, in the county of McLean.

Preamble.

Whereas by a misunderstanding of duty, the directors of school district No. 1, in township No. 26, of range 4 east, in said county of McLean, failed to take a census of all the children under twenty-one years of age, in said district, at the time and in the manner required by law, and are thus deprived of school moneys which otherwise might be drawn for the support of a school in said district; and whereas, by some clerical error or errors in preparing a list of tax payers, and in computing and graduating a tax for building a school house, now already erected, in said district, the officers thereof, with their constituents, are embarrassed and the property of the district endangered—the collection of said tax having been prevented by an injunction issued by the circuit court of said county.

Directors may correct errors.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the directors of school district No. 1, in township No. 26, range 4 east, immediately after the passage of this act, to proceed to the correction of all the errors referred to in the foregoing preamble, and to secure the levy and collection by the proper officers and in the usual form, of a tax not exceeding eight hundred dollars, for the purpose therein named.

Duty of officers

§ 2. It shall be the duty of all the officers upon whom the legal preparation of a tax book, in ordinary cases, for a

like end, devolves, to fulfill their respective obligations in these premises with a promptness which shall place the requisite tax books in the hands of the collector of the said township, on or before the first day of March next, A. D. 1859.

§ 3. It shall be the duty of the said collector to make collection of the said tax, and deliver over the amount to the authorized treasurer of the said township, for the use aforesaid, on or before the first day of April, A. D. 1859, reserving ——— per cent. for his the said collector's services. Duty of collector.

§ 4. The penalty for neglect of any officer concerned in these premises, shall be the same as that which is defined as pertaining to his office in case of neglect in other like duties. Penalty for neglect.

§ 5. This act shall be in force from and after its passage.
APPROVED February 24, 1859.

AN ACT relating to certain schools and school property in Adams county.

In force February 18, 1859.
Preamble.

Whereas by an act entitled "An act to create a school district therein named," approved February eighth, 1853, a school district was established of certain territory in the county of Adams, called "Union School District"; and whereas said school district afterwards acquired certain grounds and school edifices thereon for the use of schools situate in said district and paid for with money raised by taxation in said district; and whereas afterwards, by the operation of an act entitled "An act in relation to the city of Quincy, and for other purposes therein expressed," approved February 16th, 1857, the said first named act was repealed and out of a portion of said union school district, that is to say, the west half of section six, in township two south, in range eight west, in said Adams county, a school district was established, called "School District Number Two," being in the town of Melrose, and within and upon which said grounds and school edifices are situated; and whereas, by and under supposed authority conferred by said last named act, certain persons, in said act named, sold and conveyed said grounds and school edifices unto James C. Sprague, the consideration for which remains unpaid, and which consideration money cannot be equitably disposed of under said act; and whereas said Sprague has made certain valuable improvements to the same edifices since said conveyance; and whereas, on account of doubts as to the title acquired under said conveyance and the impracticability of a distribution or application of the proceeds of said sale,

under said act, the said Sprague is willing to release the said grounds and edifices unto the school directors of said school district number two, upon the payment of the value of said improvements; therefore,

Directors empowered to raise money by taxation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the school directors of school district number two, in the town of Melrose, in the county of Adams, be and they are hereby empowered to raise money, by taxation, for the payment of the debts of said district and the amount and value of the improvements made by James C. Sprague upon the school property and edifices situate in said school district, and formerly held as the school property of "Union School District," in said county of Adams; and for that purpose said directors may make out and file with the clerk of the county court of said county of Adams an estimate and certificate of the amount of funds required for such purpose and other school purposes therein, for the year 1859, or any subsequent year together with a list of the tax payers of said district as the said district shall be composed at the time of making such estimate in manner required in case of taxation for district purposes by the general school laws of this state; and the same proceedings shall be had upon said estimate and certificate by the said clerk and other authority and by the proper collector in the collection thereof, as is provided by the general school laws of this state in case of taxation for paying teachers and other district purposes.

Directors may dispose of the grounds.

§ 2. The directors of said school district may, upon the execution of a deed of quit-claim to them of said grounds and edifices thereon, by said James C. Sprague, dispose of any surplus or unnecessary portion or portions of said grounds and school property and the proceeds thereof apply to the payment of the debts of said district and payment of the amount and value of the said improvements thereto made as aforesaid, instead of raising the same moneys by taxation, as aforesaid, if, in their judgment, the same be advisable; and upon such sale or disposition may execute sufficient conveyance thereof.

Change of the district.

§ 3. The inhabitants of all or any portion of the district of country embraced in said "Union School District" created by an act entitled "An act to create a school district therein named," approved February 8th, 1853, may become a portion of the said school district number two, at their election, by filing by the head of any family desiring to become united therewith with the town clerk of the town of Melrose, a written application for that purpose: *Provided*, all such applications shall be made prior to the first day of May, A. D. 1859.

Proviso.

Directors may sell grounds and the school edifices.

§ 4. The school directors of said district may hereafter, should they deem the same advisable, sell the said grounds and school edifices, and the proceeds thereof apply to obtain-

ing other grounds in said district and the erection of a school edifice thereon, on the petition for that purpose of a majority of the legal voters of said district; and in case of sale may execute proper conveyance for the same.

This act shall take effect and be in force from and after its passage.

APPROVED Feb. 18, 1859.

AN ACT entitled "An act in relation to School District No. one, in township one, in the county of Adams." In force Feb'y 24, 1859.

Whereas the inhabitants of all that part of township No. two Preamble.

(2) north, nine (9) west, in Adams county, Illinois, lying south of Bear creek, are, in consequence of said creek, deprived of the advantages of common schools in said township; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of sections thirty-five (35) and thirty-six (36,) in said township, lying south of Bear creek, be and the same is permanently attached to and shall hereafter form a part of school district No. one (1,) in township one (1) north, range nine (9) west, in said Adams county; and the inhabitants thereof shall be entitled to and possess all the powers, privileges, rights and immunities of other school districts now provided for by law. District changed.

§ 2. This act to be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT entitled an act to permit the trustees of schools for township 2 north, range 8 west, in Adams county, Illinois, to purchase and receive a deed from Marcelline Lodge No. 114, for an undivided half or moiety of lot 22, in Payne's addition to the town of Marcelline in said Adams county. In force April 26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the proper officers, Allen Wait, master, John W. Richards, senior warden, and Elickim Johnson, junior warden, being officers of Marcelline Lodge, No. 114, of Ancient Free and Accepted Masons, or their successors in office, are hereby authorized to convey unto the trustees of schools of township two north, range eight west, in the county of Adams, and state of Illinois, for the use and benefit of school district No. 4, of said township, one undivided half or moiety of lot No. 12, in Payne's addition to the town of Marcelline, Conveyance authorized.

in said Adams county, Illinois, to be used for school purposes in said district; and the said trustees of schools of said township are hereby permitted and authorized, if they deem it advisable to do so, to receive said deed of conveyance and to make payment therefor.

APPROVED February 24, 1859.

AN ACT to create an additional school district in Brown county.

In force February 9, 1859.

District created.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an additional school district be created in the county of Brown, to include the following sections and parts of sections of land, in said county to-wit: All of section 6 and west half of section 5, township 1 south, range 3 west; all of section 1, township 1 south, range 4 west; all of section 36, township 1 north, range 4 west; all of section 31, and south half of section 30, township 1 north, range 3 west of the 4th P. M.

Benefits.

§ 2. *Be it further enacted,* That said school district, so created, be and the same is hereby declared to be one of the school districts of Brown county, and as such entitled to all the benefits and subject to all the provisions of the laws of the state of Illinois relating to common schools.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 9, 1859.

AN ACT to create a certain School District therein named.

In force February 14, 1859.

District created.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants residing upon section number six, in township 3 south, range 8 west, and section 31, in township 2 south, range 8 west, and section number 1, in township number 3 south, range 9 west, and section number 36, in township 2 south, range 9 west of the third principal meridian, be and the same is hereby created a school district, with all the rights and privileges which other districts under the school law of this state may exercise and possess.

Election for directors.

§ 2. That the inhabitants of said school district, upon giving ten days' notice of the time and place of holding an election, elect three school directors, on or before the first

day of April, 1859, who shall hold their office and discharge the duties of school directors of said district for one year and until their successors are elected and qualified.

§ 3. That the teachers of schools in said district shall keep separate schedules of the scholars residing upon each of said sections attending the school or schools of said district, and said separate schedules shall be kept, certified and returned, as now required by law, to the trustees of the townships, severally, of which said district is composed; and it shall be the duty of the trustees of the respective townships aforesaid to pay out of the school fund, upon the schedules so certified to them, the amount which by law shall be due, in like manner as upon other schedules of schools taught in said township. Schedules.

§ 4. This act to be in force from and after its passage.

APPROVED February 14, 1859

AN ACT to amend an act entitled "An act to form a fractional township, for school purposes, in the county of Jackson," approved February 1st, 1851. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the first section of said act as reads "township seven (7) north, range five (5) west," be and the same is hereby so amended as to read "township seven (7) south, range five (5) west." Act amended.

§ 2. This act to take effect and be in force from and after its passage, and that the secretary of state certify a copy hereof to the clerk of the county court of Jackson county, upon its passage. Certified copy.

APPROVED February 24, 1859.

AN ACT amendatory of an act entitled "An act in relation to that part of township 39 north, of range 14 east of the third principal meridian, in relation to schools," approved February 23d, 1847. In force February 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of township thirty-nine north, of range fourteen east of the third principal meridian, in Cook county, which lies south of the corporate limits of the city of Chicago, and which is by an act of the general assembly of the state of Illinois, approved February 23d, 1847, made and constituted a school district, by the name of "South Chicago School District," District divided.

be and the same is hereby divided into two school districts. All that portion of said town lying south of the corporate limits of said city of Chicago and west of the centre of Stewart avenue, shall constitute one district, and shall be known and named "South Chicago School District Number One," and shall, in all things, be subject to said act, approved, as aforesaid, February 23d, 1847. And that part of said town 39, lying south of the corporate limits of said city, and east of the centre of said Stewart avenue, shall constitute another school district, and shall be known and named "South Chicago School District Number Two."

District No. 1.

District No. 2.

Duty of agent.

§ 2. It shall be the duty of the agent of the school fund, appointed by the common council of the city of Chicago, into whose hands the school taxes for the year 1858, assessed upon the property lying and being in said town, and south of the said corporate limits of said city, are paid by the collector, to divide the same equally between the said school districts, disbursing the portion of the said school district number one in accordance with the requirements of the aforesaid act of 1847, and disbursing the portion of said school district number two only upon a written order of a majority of the school directors, hereafter required to be chosen under the provisions of this act.

Tax
ized. author-

§ 3. For the purpose of erecting a school house and purchasing a site therefor, and for repairing and improving the same, procuring furniture, fuel and district library, and for the purpose of paying the balance due teachers, after the state and township funds are exhausted, the board of directors of said school district number two, shall be authorized to have levied and collected annually a tax on all the property in the said district. *And it is further provided*, that the legal voters of said district number two may, at the first election for directors herein provided for, by a majority of the votes then cast, determine what rate per cent. shall be levied and collected on the assessed value of the property in said district number two for the purposes of erecting a school house and purchasing a site therefor; and in case the legal voters shall vote for such levy, the same shall be certified to the clerk of Cook county court by the presiding officer of said election, who shall immediately thereupon make, according to the rate or rates certified, a tax book; and shall compute each taxable person's tax in said district, taking as a basis the total amount of taxable property returned by the town assessor for the year 1858, lying and being in said district, whether belonging to residents or non-residents; and also each and every tract of land, assessed by the assessor, which lies, or the largest part of which lies in said district. The said county clerk shall cause each person's tax so computed to be set upon said tax book, which said clerk shall do within thirty days after filing of said certificate, and shall deliver the same to such persons

Duty of clerk.

as the board of directors may designate as the collector thereof; and they are hereby authorized to choose such collector, who shall give bond to said district number two, in the same manner as the township collector, and who shall have the same powers and be liable to the same penalties, in all respects, as town collectors; and the said collector shall proceed and collect said taxes within sixty days from the time of the delivery of said tax book, and shall be entitled to such remuneration therefor as shall be agreed upon by and between him and said directors, not exceeding two dollars per day while actually engaged. The said tax last provided is to be deemed a special tax, for the sole purpose of erecting a school house and purchasing a site therefor, and is in addition to the annual tax.

Collector.

Compensation.

Special tax.

§ 4. It shall be the duty of the legal voters of said district number two to meet at "The Shades," in said district, or other convenient place in said district (and when the school house is erected then thereat) on the first Saturday of April, A. D. 1859, between the hours of two and six o'clock P. M. of said day, and on the first Saturday of April biennially thereafter, and elect three persons within the district and legal voters thereof, to be styled "School Directors," who shall continue in office two years and until their successors are elected and qualified. In case, at any time, said election, for any reason, should fail to be held, then the same may be held on the first Saturday of any month, by notice being posted up in three of the most public places in said district, for at least ten days before said election, signed by at least ten legal voters of said district. The legal voters, when assembled, as aforesaid, shall choose one of their number moderator, and one clerk, who shall conduct said election, as near as may be, according to the general school law of the state, approved February 16th, 1857, in relation to the election of school directors. Said election shall be by ballot, and in case of a tie, it shall be determined by lot by the judges on the day of election. In case of a vacancy in the board, at any time, the unexpired term shall be filled by the remaining directors. The said moderator and clerk shall make returns of said election, and the votes taken thereat, to the county clerk, within five days after such election. Said returns shall be opened by said county clerk as soon as may be, and he shall grant certificates of election to the three persons who shall by the returns seem to have the greatest number of votes. In case of contested elections, the contest shall be determined in the same manner provided by law for contesting the election of justices of the peace. The said school directors, as soon after their election as practicable, shall choose one of their number clerk, who shall keep a record of all the official acts of the board, in a book to be provided for that purpose; and shall also choose one of their number president of the said board.

Election of directors.

Failure to hold election.

Manner of election.

Returns.

Contest.

Record.

Powers.

§ 5. The board of directors for said district number two shall have the same power and shall perform the like duties within said district that are possessed and performed by the trustees and inspectors of common schools in the city of Chicago.

Body politic
and corporate.

§ 6. The board of directors aforesaid shall be deemed and are hereby declared a body politic and corporate, by the name of "School Directors of South Chicago School District Number Two," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto [in] all courts and places whatever, and shall have perpetual succession; and all contracts entered into by them shall be signed by the president and clerk of the board, for and in behalf of said corporation, as also all orders, receipts and other papers.

General school
law.

§ 7. That whenever it may be found that the provisions of this act and the provisions of the charter and ordinances of the city of Chicago, in relation to common schools, do not sufficiently provide for any and every exigency that may arise in regard to the establishment and maintenance of a common school in said district, then and in such cases the board of school directors shall be governed by the act entitled "An act to establish and maintain a system of free schools," approved February 16th, 1857, so far as the same may be practicable.

Certificate of
directors.

§ 8. Upon the directors of said district number two certifying to the county clerk of Cook county the per centum which they have levied upon the assessed value of the property of said district, as the same shall be valued by the assessor, he shall add to the tax list levied by the board of supervisors of Cook county, upon the property in said district, in a separate column, the tax levied by the school directors of said district, and the same shall be collected by the collector, as other taxes, in money, and paid by him to the agent of the school fund, appointed by the common council of the city of Chicago, who shall keep a separate account of the same and disburse it only upon the written orders of a majority of said directors.

Amount of money to be
drawn.

§ 9. The said school directors are hereby authorized to draw from the agent of the school fund of the city of Chicago, monthly, such an amount as said district shall be entitled to, in proportion to its number of inhabitants between the ages of five and twenty-one years, as compared with the whole number of inhabitants in said city, out of the interest of the school fund in said township: *Provided*, a common school shall be established and maintained in said district, and said money drawn and appropriated solely for the payment of teachers' wages.

Proviso.

Teachers.

§ 10. No person shall be employed as teacher of the school in said district, unless he or she shall procure a certificate of his or her competency to take charge of the same,

rom the superintendent or inspectors of the common schools of the city of Chicago.

§ 11. This act shall be taken and deemed a public act, and shall be in force from and after the date of its approval.

APPROVED February 18, 1859.

ACT to authorize the trustees of schools of town four north, of range three east, in Marion county, to sell school land therein mentioned. In force February 23, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the trustees of schools of town four north, of range three east, in Marion county, be and they are hereby authorized to sell, at such time and on such credit as they may deem for the interest of education in said township, a part of the southeast quarter of the southeast quarter and a part of the northeast quarter of the northeast quarter of the southeast quarter of section sixteen, in said township and county, containing in all ten acres.

Trustees authorized to sell land.

§ 2. That upon the sale of the said land by the said trustees, as aforesaid, they shall execute and deliver to the purchaser thereof a deed, in fee simple, in their official character as trustees of schools; and said deed shall vest the legal title to said land in the purchaser thereof.

Deed.

§ 3. The money arising from the sale of said land, after deducting the cost attending the same, shall be deposited by the said trustees with the school treasurer of said township, and to be by him put at interest as other school funds, and shall forever remain as a part of the common school fund for said township.

Proceeds.

§ 4. This act shall be in force from and after its passage.

APPROVED February 23, 1859.

AN ACT for the benefit of School District No. three, township five north, of range eight west, in the county of Hancock, and State of Illinois. In force February 14, 1859.

Whereas the school directors of said school district did, in the year A. D. 1855, assess a tax of fifty cents on each hundred dollars worth of taxable property in said school district, for the purpose of building a school house in said district; and whereas the clerk of the county court of Hancock county, by an oversight, did not extend said tax against the town lots of the original town plat of the town of Hamilton, in said district; and whereas, by such over-

Preamble.

sight, there was a deficiency of one hundred and sixty-two dollars in said tax; therefore,

Duty of clerk.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the clerk of the county court of Hancock county be and he is hereby authorized and required to assess such a per cent. against the valuation of the town lots of the original town plat of said town of Hamilton, for the year A. D. 1859, as will raise a sum equivalent to one hundred and sixty-two dollars, with ten per cent. interest from the first day of January, A. D. 1856.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 14, 1859.

In force February 22, 1859.

AN ACT to change the boundaries of certain School Districts therein named.

Dists. changed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the fractional parts of sections No. five (5) and six (6,) in township No. thirty-five (35) north, of range five (5) east of the third principal meridian, lying north of Fox river, be attached to town No. thirty-six (36) north, of range five (5) east of the third principal meridian, for all school purposes; also, that all of the fractional parts of sections No. twenty-five (25,) thirty-three (33,) thirty-four (34,) thirty-five (35) and thirty-six (36,) in township No. thirty-six (36,) be attached to township No. thirty-five north, of range No. five east of the 3d principal meridian, for all school purposes.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 22, 1859.

In force Feb'y 23, 1859.

AN ACT to amend an act entitled "An act to change the boundary lines of a certain school district therein named."

District formed

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the southwest quarter of section numbered thirty-five (35,) the south half of section numbered thirty-four (34,) and the southeast quarter of section numbered thirty-three (33,) in township numbered four (4) north, range numbered ten (10) east; also, the west half of section num-

bered two (2,) all of section numbered three (3,) and the east half of section number four (4,) in township numbered three, (3) north, range numbered ten (10) east, in the county of Richland, shall form and constitute a district for school purposes, and to be designated as school district numbered twelve (12); and that such parts of the original district as are not included within the limits of the district, as herein provided for, shall be annexed to and form parts of the school districts to which they are respectively contiguous.

§ 2. Any law conflicting with the provisions of this act be and the same is hereby repealed, and this act to take effect from and after its passage. Acts repealed.

APPROVED February 23, 1859.

AN ACT entitled an act to authorize the Board of Supervisors of Whiteside county to apportion the swamp and overflowed land school fund of said county among the several townships of said county. In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Whiteside, and their successors in office, be and they are hereby authorized and empowered to set apart and apportion to each of the townships in said county the school fund of said county which accrued on the sale of certain swamp and overflowed lands therein, made under the provisions of an act entitled "An act to dispose of the swamp and overflowed lands and to pay the expenses of selecting and surveying the same," approved June 22, 1852, to be divided and apportioned in such manner and upon such ratio as the said board of supervisors, or their successors in office, shall deem expedient and for the best interests of said county.

Supervisors to apportion fund.

§ 2. And that all acts or parts of acts inconsistent herewith be and the same are hereby repealed. Acts repealed.

§ 3. That this act shall be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT declaring the Snycarty, in Pike and Adams counties, navigable.

In force Feb'y 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Snycarty, in the counties of Pike and Adams, from the dam in Rockport, thence up said Snycarty to its source, be and the

Snycarty declared navigable.

same is hereby declared a navigable stream and public highway.

Shall not be obstructed.

§ 2. Said stream, as far up as stated, shall never be obstructed, in any manner, so as to impair the free and uninterrupted navigation of the same; and any person so obstructing or impairing the navigation thereof shall be liable to the penalties and fines now or hereafter to be imposed by law for such offences; and that all previous acts referring to the navigation of said Snycarty are hereby repealed.

§ 3. This act shall be in force from and after its passage.

APPROVED February 24, 1859.

In force February 19, 1859.

AN ACT to indemnify the state of Illinois against loss by reason of unlawful funding of Canal Indebtedness.

Bonds to remain with auditor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the bonds of the state of Illinois, numbered from 900 to 992, inclusive, and one-half of 993 of Illinois and Michigan canal bonds, and now deposited with the auditor as security for the redemption of the bills or notes and payment of other liabilities of the State Bank of Illinois, at Shawneetown, shall remain with said auditor; and when the security hereinafter mentioned shall have been given, said bonds shall be held as security for the purposes for which they were deposited with him, and be disposed of by him in the same manner as is now by law provided for the disposition of bonds in similar cases: *Provided*, there shall be, within sixty days from the passage of this act, or within such further time as the governor, auditor and treasurer of the state may deem it proper to designate, furnished by Joel A. Matteson to said governor, auditor and treasurer, for the use of the people of the state of Illinois, security, satisfactory to them, to indemnify and save harmless the state of Illinois from all liability on account of said bonds; and also on bonds of said state numbered 886 to 898, inclusive, and three hundred dollars in bond number 899, the same being bonds designated as Illinois and Michigan canal bonds, and now outstanding, and for all moneys that may be paid by the state thereon; and from all liability upon any certificates, interest bonds or other evidences of indebtedness that may have been issued on account of any of the bonds aforesaid, or the canal checks or scrip for which said bonds were issued; and on any coupons now or heretofore attached to said bonds or any of them; and from all costs, expenses and damages that may accrue against said state, by reason of the said bonds, certificates, interest bonds, coupons or other

Proviso.

evidences of indebtedness; and also for the repayment to the state of Illinois, within five years from the passage of this act, of any money that may heretofore have been paid by the state on account of any of said bonds, certificates, interest bonds, coupons or other evidences of indebtedness; or for interest on the canal checks or scrip upon which said bonds were issued; or in the purchase by the state of any of said bonds, certificates, interest bonds, coupons or other evidences of indebtedness, arising out of the funding of said canal checks or scrip upon which said bonds were issued, together with six per cent. per annum interest on each and every sum of money paid by the state upon such bonds, certificates, interest bonds, coupons or other evidences of indebtedness; or for said interest; or in the purchase of any of said bonds, certificates, interest bonds or other evidences of indebtedness, to be computed from the time when any such sum or sums of money shall have been paid. It shall be lawful for the governor, auditor and treasurer, if at any time they shall believe the security to be given has depreciated, and that the same has become inadequate, to require of the said Joel A. Matteson to give additional security; and in case said Matteson shall not give such additional security, within sixty days after a notice in writing shall have been given him by the governor, auditor and treasurer so to do, then the sum of money secured to be paid to the state as aforesaid, shall immediately become and be deemed due and payable, from the time of such default; and the state shall pay no interest upon any of the aforesaid bonds until otherwise provided by law, but the amount of interest which is retained shall not be required to be paid by said Matteson; and the state shall pay neither interest nor principal hereafter shall be paid upon any of the last mentioned bonds not on deposit with the auditor, unless otherwise provided by law.

Additional security.

Interest.

§ 2. Until the expiration of the time herein limited for the furnishing of said security, it shall not be lawful for the bank commissioners to require the said State Bank or the stockholders thereof to furnish any other or additional security for the protection of the circulation or payment of the liabilities of said bank, on account of any deficiency that may arise from the alleged invalidity of said bonds now on deposit with the auditor; and when such security as in the first section hereof provided shall have been given, no such requisition shall be made or enforced by reason of the alleged invalidity of said bonds.

Bank commissioners shall require no additional security.

§ 3. Other securities, of the description now prescribed by the laws of this state, shall, from time to time, be deposited with the auditor, in lieu of any of the bonds in the first section hereof mentioned, and shall be by him substituted in the place thereof; and whenever any such new bonds shall be deposited with the auditor, so many of the bonds men-

Exchange of securities.

Bonds to be canceled.

tioned in said first section as shall equal in amount the bond or bonds so substituted, shall, by the auditor, be delivered to the governor, and by him be canceled; and whenever any of the circulation of said bank shall be returned for the purpose of taking up the said bonds or either of them, the bonds so taken up shall be canceled by the governor.

Time for depositing securities.

§ 4. The securities to be deposited by the said State Bank of Illinois, at Shawneetown, in conformity with the preceding section, in lieu of the bonds mentioned in the first section of this act, shall be deposited within five years after the passage of this act; on failure of which, the bank commissioners or other proper authority shall make a requisition on the said bank, or the stockholders thereof, to supply the place of the said bonds, or of so many of them as are still uncanceled, with such other securities as the law may require in cases of requisitions under the general banking law. And the said bonds, or such of them as remain uncanceled, shall thereupon be canceled, as provided for in the preceding section.

Bonds to be canceled.

Liability of the state.

§ 5. Until the security aforesaid is given, nothing in this act shall be construed to impose any liability on the state on account of said bonds, and nothing in this act shall be construed to apply to or affect any other bonds than those especially named herein.

§ 6. This act shall be in force from and after its passage.
APPROVED February 19, 1859.

In force April 26, 1859. AN ACT in relation to the payment of the principal and interest of [the] state debt.

Treasurer to give notice.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the treasurer of the state shall give one month's notice, by publication in three of the public newspapers published in the city of New York, when and where, in the city of New York, he will pay the interest upon the public debt, and at the expiration of thirty days after the time for such payment he shall return the balance of the money remaining in his hands for the payment of interest to the state treasury, and the interest upon such bonds as shall not have been presented within said thirty days shall be paid at the office of the treasurer, at the seat of government of this state.

Governor to give notice.

§ 2. The governor shall give one month's notice of the time and place when and where he will pay the principal of such state bonds as he is authorized by law to pay, by publication of such notice in three public newspapers published in the city of New York, in which notice the bonds which are to be then paid shall be designated.

§ 3. Whenever any state indebtedness becomes due and the governor cannot, with the funds appropriated by law for that purpose, purchase said indebtedness, without paying a premium for the same, he shall appropriate such funds to the payment of such bonds of the state as may be then due, after giving the notice required by the second section of this act; but the money for that purpose shall be drawn from the treasury in accordance with the law now in force authorizing the purchase of state indebtedness. Bonds due to be paid.

§ 4. The interest upon such bonds as shall be designated by the governor, in a notice to be given under and in pursuance of the second section of this act, shall cease from the time of payment specified in such notice. Interest.

§ 5. All laws now in force authorizing an agency of the state for the transfer of bonds in the city of New York are hereby repealed, and no such transfer agency shall hereafter be kept in said city; and the books of said transfer agency shall be deposited in the office of the auditor of public accounts. Transfer agency.

§ 6. An act entitled "An act to fund the arrears of interest accrued and unpaid on the public debt of the state of Illinois," approved February 18th, 1857, shall be and remain in force until the first day of January, 1860. At and after that date its provisions shall cease and be of no effect. Any and all coupons, scrips, certificates or other evidences of arrears of interest, authorized to be funded by the act aforesaid, but have not been so funded by the said first day of January, 1860, may be paid for at par by the governor from such funds as are now authorized by law to be applied to the payment of state indebtedness; but no interest shall be allowed or paid thereon. The governor shall cause this section to be published at an early date, for at least one month, in three newspapers published in the city of New York. Acts repealed.

§ 7. An act entitled "An act to authorize the refunding of the state debt," approved February 28, 1847, an act entitled "An act to fund state scrip," approved February 22d, 1847, and the second section of "An act concerning the public debt," approved February 12, 1849, be and the same is hereby repealed. The governor shall appoint a commissioner, who shall keep his office in the city of New York, who shall be a commissioner of deeds, and shall perform all the duties now performed by commissioners of deeds for this state, and shall receive the same fees for such services as are allowed to other commissioners of deeds; and such commissioner shall also be authorized to take acknowledgments of the assignment of bonds of this state, in the manner hereinafter provided, and shall be entitled to the same fees for taking such acknowledgments, as for the acknowledgments of deeds. Any person, being the owner of any bond of this state, which, upon its face is made transferable in the city of New York, may transfer the same, Act repealed.
Commissioner.
Transfer by assignment.

Bonds surren-
dered and can-
celed.

by an assignment, in writing, indorsed upon the back of said bond, and duly acknowledged before the commissioner aforesaid; and said commissioner shall keep a list of all bonds, the assignment of which is acknowledged before him, and shall transmit the said list to the governor once in every six months. The owner of any bond, which might heretofore have been transferred in the city of New York, may surrender the same to the governor of this state, at the seat of government of this state, and receive in lieu thereof a coupon bond, payable to bearer, which bond shall be executed by the governor and countersigned by the auditor and by the treasurer of this state; but neither the governor, auditor or treasurer shall execute any such new bond or shall execute any bond for the purpose of funding any indebtedness of this state, until they shall severally have inspected the bond which is offered to be transferred or the evidences of the indebtedness which is sought to be funded, and shall have become severally satisfied of the genuineness of such bond or evidence of indebtedness; and such bond, when so taken up by transfer, and such evidences of indebtedness, when so funded, shall immediately be canceled and deposited in the office of the treasurer, and a perfect description list of all bonds issued shall be preserved in the office of the auditor of public accounts.

New bonds.

§ 8. No new bond shall be issued of a less denomination than one thousand dollars; and the governor may adopt such means as he may deem most expedient, not inconsistent with the provisions of this act, for procuring a speedy exchange of all the bonds that have heretofore been issued by the state that are not coupon bonds for coupon bonds, to be made transferable on delivery.

APPROVED February 22, 1859.

In force Febru-
ary 18, 1859.

AN ACT authorizing the Board of Supervisors in counties where township organization has been adopted, and in all other counties the county courts, to vacate, change or relocate state roads.

Supervisors to
control state
roads.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors, in all counties in this state where township organization has been adopted, shall have the entire control of all the state roads in their respective counties, and have full power to relocate or vacate them, as in their discretion they may determine.

County courts
to control the
state roads.

§ 2. That in all the counties in this state, where township organization has not been adopted, all the powers heretofore in this act conferred on the board of supervisors, be

and the same are hereby conferred upon the various county courts of this state.

§ 3. All laws heretofore passed, inconststent with this act, are hereby repealed, and this act shall take effect from and after its passage. Laws repealed.

APPROVED February 18, 1859.

AN ACT to establish a state road therein named.

In force Feb'y
24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Curtis, of Edwards county, John Wolf, of Richland county, and Harrison Jones, of Jasper county, be and they are hereby appointed commissioners to lay out and establish a state road from the town of Albion, in Edwards county, to the town of Newton, in Jasper county, by the way of Olney, in Richland county, on the following route, or as near thereto as practicable, viz: Beginning at the northwest corner of the public square, in the said town of Albion; thence running in a northerly direction to the southwest corner of section three, township one north, range ten east; thence north, on or near the section line, to the said town of Olney; thence on the nearest and most practicable route to Newton, in said Jasper county. Commissioners

§ 2. Said commissioners shall meet at the said town of Albion, on or before the first Monday in June next, or as soon thereafter as may be practicable, and, after being duly sworn faithfully to perform their duties under this act, shall proceed to locate said road, as directed in the first section of this act. Said commissioners shall, as soon as said road may be located, make a report and plat of said road and deliver a copy thereof to the clerk of the county court of each county through which said road may run; which copies shall be certified by said commissioners, and shall be filed and preserved by said clerks in their respective offices. To locate road.
Report and plat.

§ 3. Said road, when so laid, shall be and the same is hereby declared a state road, and shall be opened and kept in repair as other state roads. The county courts of said counties shall make such compensation to said commissioners as they may think just, which shall be paid by said counties, in proportion to the number of miles of road in each county. To be a state road.
Compensation.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y 19, 1859. AN ACT to locate a state road in the counties of Crawford, Jasper and Effingham.

State road
established.

Commissioners

Road to be
opened.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there is hereby located and established a state road, commencing on the west bank of the Wabash river, at a point where the line between township seven and eight north, range eleven west, strikes said river; thence west along and with said line between townships seven and eight until it strikes the range line between five and six; thence in a northerly direction to the town of Effingham, in Effingham county.

§ 2. James Redford, George Kiblar and James E. James, be and are hereby appointed commissioners to lay out said road; and the said commissioner shall receive as compensation two dollars per day for the time they are necessarily employed in laying out said road; and the said compensation to be paid equally by the counties of Crawford, Jasper and Effingham.

§ 3. The several county courts through which said road shall run shall be required to cause said road to be opened and kept in repair as other state roads are. Said road shall be four rods wide, two rods on each side of the above described line.

This act to take effect and be in force from and after its passage.

APPROVED February 19, 1859.

In force Feb'y 24, 1859. AN ACT to provide for viewing and locating a state road from Indian Point, in Johnson county, to Metropolis, and incorporating the Indian Point Road Company.

Commissioners

View.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That Alonzo Durham, John P. Choat and Wm. McDowell, or any two of them, be and they are hereby appointed commissioners to view and locate a state road from the north boundary of section five (5,) in township fourteen (14) south, of range three (3) east, at or near the Indian Point; from thence to the section corner between sections four, five, eight and nine, in township 14 S., R. 3 east; from thence to intersect the high land in section six, township fifteen south, range four (4) east, and thence on the nearest and best route to Metropolis, in Massac county.

§ 2. The said commissioners, or any two of them, shall meet at Metropolis, on the fifteenth day of June next, or as soon thereafter as practicable, and, after being duly sworn, proceed to view, mark and survey said road; and shall file with the clerk of the county court of Massac county a plat of said road; and from and after the filing of said plat, that portion of the road extending from its intersection with sec-

tion six, in township 15 S., R. 4 E., to Metropolis, is hereby declared a public road, to be opened and kept in repair as other public roads in said county.

§ 3. The said commissioners shall each be allowed one dollar and fifty cents per day for each day necessarily employed in the discharge of their duties as such commissioners; to be paid out of the county treasury; and they may call to their assistance, if necessary, the county surveyor, who shall also be paid by the county of Massac. Compensation.

§ 4. *Be it further enacted*, That A. J. Davis, A. J. Hill, Wm. McDowell, Daniel Berry and Wm. R. Brown, and such other persons as may become associated with them, are hereby constituted a body corporate and politic, by the name of the "Indian Point Road Company;" and by that name shall have perpetual succession; may sue and be sued; may make and use a common seal, and alter the same at pleasure; and may make such rules and regulations for the government of said road and appoint such officers as may be necessary therefor. Body corporate

§ 5. Said company shall have power to build, maintain and use a macadamized or plank road across the Cache ponds, in Massac county, on said state road, when located, commencing at or near the Indian Point, and running thence to the high land in section six, in township 15 south, of range 4 east. Power to build macadamized or plank road.

§ 6. That A. J. Davis, A. J. Hill, Daniel Berry, Wm. McDowell and Wm. R. Brown shall be commissioners for receiving subscriptions to the stock of said company, at Vienna or Metropolis, and after such notice as they or a majority of them may agree upon, shall open books for receiving such subscriptions on the first day of June next. Commissioners to receive subscription.

§ 7. The affairs of said company shall be managed by five directors; three of them shall be a quorum to perform the business of the company, who shall be chosen annually at such time and place as such commissioners may fix. As soon as the sum of five thousand dollars shall be subscribed to the stock of said company the said commissioners shall give ten days' notice to such stockholders to attend at some time and place named in such notice and vote for five directors. Directors.

§ 8. The capital stock of said company may be fifty thousand dollars, which shall be considered personal property, and divided into shares of fifty dollars each. Capital stock.

§ 9. The said company is authorized, as soon as the board of directors is elected, to commence the construction of said road; and as soon as two miles of said road shall be completed, they may erect toll gates thereon and collect the tolls allowed by this act. Said company shall have power to build bridges across creeks and sloughs on the line of said road; and shall have power to borrow money not exceeding five thousand dollars, to assist in the construction of Toll gates.

said road, and may mortgage the same to secure the payment of any money they may borrow.

Rates of toll.

§ 10. The tolls charged on said road shall not exceed the following rates: For every vehicle, drawn by one animal, three cents per mile; by two animals, four cents per mile, and one half cent additional for each mile for every animal more than two; other tolls to be regulated by the county court of Massac county.

Time of beginning.

§ 11. Said company shall be allowed two years from the passage of this act to commence the construction of said road, and shall complete the same within five years from the passage of this act; and on their failure to do so, this charter shall be forfeited.

Right of way.

§ 12. Said company is hereby authorized to locate and construct on any lands owned by the state, county, or individuals; and shall pay all damages that may accrue to any person by reason of taking their land for the use of said road; and when the same can not be obtained by consent of the owners, upon reasonable terms, it shall be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways. This act to take effect from and after its passage.

APPROVED February 24, 1859.

In force Feb'y 24, 1859. AN ACT to establish a state road from Tamaroa, in Perry county, by way of Red Bud, in Randolph county, to the Mississippi river.

Commissioners

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly, That Allen Pearlier, of Perry county, Charles Henckar, of Monroe county, and John W. Allen, of Randolph county, be and they are hereby appointed commissioners to lay out and establish a state road on the nearest and best route, from Tamaroa, in Perry county, by way of Camden and Coulterville, to La Fayette and Red Bud, in Randolph county, and thence to the Mississippi river.*

View.

§ 2. It shall be the duty of said commissioners to meet at Tamaroa, in Perry county, at such time as they may agree upon, previous to the first day of April next, after the passage of this act, or as soon thereafter as convenient, and after having been sworn by some acting justice of the peace of said county, shall proceed to view, mark out and locate a road, as above designated, having due regard to private property.

§ 3. When said commissioners shall have laid out and established the said road they shall make out and deliver to the clerks of the counties through which said road passes

plats of said road; which plats shall be entered of record in their several offices; and the record of said plats, when so made, shall be evidence in all courts of this state of the existence of said road. Plat.

§ 4. The county courts of the several counties through which said road may pass shall allow to the said commissioners and to the surveyors which they may deem necessary to make a survey of said road and to the said clerks a reasonable compensation for their services rendered as required by this act, in proportion to the amount of labor performed in each county, and shall cause so much of the said road as may be within their respective counties to be opened, worked and kept in repair. Compensation.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED February 24, 1859.

AN ACT to prevent sheep and swine from running at large within the counties of Mercer and Rock Island. In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the first day of May, A. D. 1859, it shall not be lawful for any person or persons, possessor or possessors of any sheep, hog or hogs, shoat or shoats, pig or pigs, to allow the same to run at large in the county of Mercer; and if any person or persons, being the owner or owners, possessor or possessors of any sheep, hog or hogs, shoat or shoats, pig or pigs, shall permit the same to run at large, within the county aforesaid, such person or persons, possessor or possessors shall forfeit and pay the sum of two dollars per head to any person or persons making complaint before any justice of the peace in and for said county, together with the costs of suit, and shall also pay all damage resulting from the running at large of such sheep or swine to the person or persons so damaged: *Provided, however,* said sheep, hog or hogs, shoat or shoats, pig or pigs, shall not be considered as running at large while they remain upon the premises of the owner or owners, possessor or possessors of the same not occupied by some other person or persons. The provisions of this act shall extend to the county of Rock Island. Stock prohibited from running at large.

§ 2. This act shall not be so construed as to prevent or in anywise interfere with persons driving sheep or swine to or from market, where such sheep or swine may have been bought or sold. Proviso.

Not to prevent driving stock to market.

Act repealed.

§ 3. The act entitled "An act to prevent certain stock from running at large in the county of Mercer," approved February 18th, A. D. 1857, is hereby repealed.

§ 4. This act to be in force from and after its passage.
APPROVED February 19, 1859.

In force February 16, 1859.

AN ACT to amend an act entitled "An act to prevent sheep and swine from running at large in Henry, Will and Livingston counties," approved January 27th, 1853, so as to extend the provisions thereof to the county of Lake.

Act extended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the provisions of the act entitled "An act to prevent sheep and swine from running at large in Henry, Will and Livingston counties." approved January 27th, 1853, be and the same are hereby extended to the county of Lake, to all intents and purposes, the same and as effectually as if said county had been originally embraced in the title of the above mentioned act.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 19, 1859.

In force April 26, 1859.

AN ACT providing for the vacation of streets, alleys and town plats.

Power of corporate authorities.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate authorities of any town or city shall have power to vacate streets and alleys and parts of streets and alleys, upon a petition of two-thirds of the property holders upon said street or alley. The benefits and damages caused by changing, altering or vacating any street or part of street, or alley or part of alley aforesaid, shall be assessed and determined in manner pointed out by the act incorporating such city or town, or by the ordinances thereof in other cases.

Benefits and damages.

Act repealed.

§ 2. That so much of the second section of the act to provide for the vacating of town plats, approved Feb. 16, A. D. 1847, as provides that said act shall not apply to the original plat or map of any town located or laid out as or for a county seat, so long as the county seat shall remain at such town, is hereby repealed.

APPROVED February 19, 1859.

AN ACT to authorize the common council of the city of Chicago to vacate streets and alleys. In force February 12, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the common council of the city of Chicago be and is hereby empowered and authorized to vacate any street or alley within said city; and if any person shall be entitled to damages, such damages shall be assessed and paid in the same manner as they would be in the opening of a street in said city. Power of common council.

§ 2. This act shall be in force from its passage.

APPROVED February 12, 1859.

AN ACT for the sale of swamp lands.

In force February 14, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county courts of the several counties of this state be and they are hereby authorized and empowered to sell and dispose of, at public or private sale, for cash or credit, or for such securities as the county court may think proper to accept, all or any of the swamp or overflowed lands lying within the respective counties, including, also, all and every interest, claim, demand and gift granted to them by the state of Illinois, arising under the act of congress passed Sept. 28, 1850, and acts amendatory thereof. Power of county courts.

§ 2. Wherever a sale has been made, or hereafter shall be made, by the county court, of any of said lands, and upon delivery by any purchaser or purchasers to the county court of such securities as the county court may think proper to take, the purchaser or purchasers thereof shall be entitled to a conveyance of the land so purchased, executed by the clerks of the county court, under the seal of the court, in fee simple therefor. Conveyance.

§ 3. The proceeds arising from any sale or sales shall be subject to the order of the county judge for such purposes as the county court may direct. Proceeds.

§ 4. This act shall apply to all the counties of this state having special laws in reference to the sale of swamp lands, under which they may act without reference to such special acts, and in counties where township organization has been adopted the board of supervisors are authorized to carry out the provisions of this act. But where county courts, in counties having township organization, are authorized by any special laws to sell and dispose of their swamp lands, such county courts are clothed with all the power and authority necessary to carry out the provisions of this law; and nothing herein contained shall prevent any county court or Special laws.

board of supervisors from carrying out any sale or sales, contract or contracts now existing for the disposal of their swamp lands.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED February 14, 1859.

In force Janu- AN ACT requiring sales of swamp and overflowed lands to be reported to the
ary 29, 1859. auditor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the coun-

County clerks
to report ab-
stracts.

ty clerks of the several counties be and they are hereby re-
quired to report to the auditor of public accounts an abstract
of the sales of swamp and overflowed lands in their respec-
tive counties on the first day of March, annually, stating the
date of sale, name of purchaser, description of land and quan-
tity of acres of each tract.

To be recorded.

§ 2. That upon the receipt of said abstracts the auditor
shall cause the same to be entered of record upon the tract
books in his office, and the original report placed upon file.

Compensation.

§ 3. There shall be allowed the said county clerks the
sum of three cents per tract for making out said abstracts and
entering the same in their county tract book, to be paid out
of the county treasury; and like compensation shall be al-
lowed the auditor for his services herein, to be paid out of
the state treasury.

Copy of act to
be forwarded
to clerks.

§ 4. This act shall take effect and be in force from and
after its passage; and the auditor of state is hereby required
to forward a copy of this act to the county clerks of each
county in the state so soon as the same shall be approved by
the governor.

APPROVED January 29, 1859.

In force Febru-
ary 19, 1859.

AN ACT concerning the swamp and overflowed lands of Henry county.

Sales legalized.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the sales
of so much of the swamp and overflowed lands granted to
the state of Illinois by the act of congress, entitled "An act to
enable the state of Arkansas and other states to reclaim the
swamp lands within their limits," approved September 28,
A. D. 1850, as lie in the county of Henry, which have here-

tofore been made by the drainage commissioner or other agent or agents of the said county of Henry, under the authority and direction of the county court of said county, are hereby declared legal and valid.

§ 2. All conveyances of any portion of said lands, heretofore made by the drainage commissioner or other agent for said county, as directed by the county court of said county, shall be deemed and taken as effectual for the conveyance of title from said county to the purchaser or purchasers of said lands, as in the bonds, agreements or deeds recited; and that all the contracts and agreements heretofore made by and between the county court or board of supervisors of Henry county and any and all parties with whom they may have entered into any contracts or agreements, concerning swamp lands, and which said contracts or agreements have been entered of record by order of said county court or board of supervisors, be and the same are hereby ratified and confirmed.

Conveyances
legalized.

Contracts rati-
fied.

§ 3. All notes, bonds, mortgages or other securities, for the payment of any portion of the purchase money of any such lands, heretofore made, shall be deemed and taken as upon good and valuable consideration, and payment thereof may be enforced by direction of the board of supervisors of said county of Henry.

Notes, bonds
and mort-
gages.

§ 4. That all moneys received or to be received from the sales of the swamp and overflowed lands in said county of Henry shall be subject to the control of the board of supervisors, and may, from time to time be appropriated, in such sums and in such manner and for such objects as said board may deem best for the interests of said Henry county.

Records.

§ 5. This act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED February 19, 1859.

AN ACT further to amend "An act to expedite and insure the thorough drainage of the swamp lands of the county of Iroquois, and to facilitate the sale thereof. In force February 18, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of said county are hereby authorized to sell all or any part of the swamp lands in Iroquois county, though they have not been heretofore engineered, surveyed and appraised, on such terms and at such prices as they may, in their discretion, think best, and where any have been appraised, they may sell the same on such terms and at such prices as they may think best; and may require said lands to be drained as they shall direct.

County court
authorized to
sell.

Conveyance.

§ 2. Upon the delivery by any purchaser or purchasers to the county court of such securities as the county court may think proper to take in payment for any lands, the purchaser or purchasers thereof shall be entitled to a deed of conveyance, in fee simple, executed by the judge of the county court.

Bonds may be received in payment

§ 3. The county court are hereby authorized to sell any lands, grants, gifts and demands donated to said county by the state of Illinois, arising under the act of congress, passed Sept. 28, 1850, and acts amendatory thereof, and receive in payment therefor the bonds of the county of Iroquois, which, when received, are to be canceled by said county court.

§ 4. Nothing in this act shall prevent the county court from carrying out any sale or sales, contract or contracts heretofore made by said county court.

Acts repealed.

§ 5. All acts or parts of acts conflicting with the provisions of this act are hereby repealed, and this act to take effect from and after its passage.

APPROVED February 18, 1859.

In force February 21, 1859.

AN ACT to amend the Revenue Laws.

Assessors to gather statistics of crops.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the seventh section of the act entitled "An act for the assessment of property and the collection of taxes in counties adopting the township organization law," and the seventh section of "An act for the assessment of property," approved February 12th, 1853, be and the same are hereby so amended, that the quantity, in acres, of wheat, corn and all other field productions, shall be ascertained and set forth by the assessor, in columns prepared for that purpose, to wit: The number of acres of wheat shall be placed in one column; the number of acres of corn shall be placed in one column; and the number of acres of all other field productions shall be placed together in one column, in like manner as the quantity of other personal property is required to be set forth, except that the value thereof shall not be estimated or set forth.

Auditor to give instructions.

§ 2. The auditor, in preparing the forms of assessor's books, for the year 1860, and thereafter, shall give the necessary instructions for carrying this act into effect.

APPROVED February 21, 1859.

AN ACT giving to the township collectors in counties adopting township organization until the fifteenth day of May next to collect and pay over the state and county tax of the year 1858. In force February 11, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the township collectors of the several counties that are organized under the township organization law shall be allowed until the fifteenth day of May next to collect and pay over the state and county taxes for the year 1858, specified in their collector's warrants, respectively; and they shall also be allowed until the fifteenth day of May next to return their collectors' books and the lists of taxes remaining unpaid, and which they have been unable to collect: *Provided*, that the several township collectors of the counties of DeKalb and Cook shall have until the first day of March next to make their returns to the county treasurer, instead of the fifteenth day of February. Collectors' time extended.

§ 2. All lands and town or city lots, upon which the taxes for the year 1858 shall remain unpaid upon the 15th day of May next, shall be considered delinquent for the taxes of that year; and such proceedings shall thereupon be had for the collection of said taxes as are now provided by law for the collection of taxes upon delinquent lands and lots. Proviso.

§ 3. It shall be the duty of each of said township collectors, on the 15th day of February, to pay over to the persons entitled by law to receive the same, all money actually collected by him at that time; and he shall also, on the fifteenth day of April, pay over all money which shall actually have been collected by him prior to that date; and on the said fifteenth day of February, he shall file an affidavit, subscribed and sworn to by him, with the treasurer of the county, stating that he has fully paid over all moneys which he had collected of the taxes of the year 1858, to the persons entitled by law to receive the same, except such percentage of the same as he is entitled by law to retain. Delinquent lands and lots.

§ 4. The treasurer of counties that are organized under the township organization law, as aforesaid, shall be allowed until the first Monday in August next to settle with the auditor of public accounts for the taxes of the year 1858. This act shall apply only to the state and county taxes assessed and levied for the year 1858. This act shall not apply to the counties of Pike, Kane or DeKalb. The provisions of this act shall extend to the collection of revenue in counties not adopting the township organization, provided that the sureties of any collector in this state shall not be released by reason of the passage of this act. This act shall apply to the county of Pike and the several collectors of said county shall be governed by the provisions thereof. Township collectors to pay over receipts.

§ 5. This act shall take effect and be in force from and after its passage. Settlement of county treasurers.

APPROVED February 11, 1859.

In force February 21, 1859.

AN ACT in relation to assessments of the Illinois Central Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in case the Illinois Central Railroad Company shall either neglect or refuse to list with the auditor of public accounts on or before the first day of April, in each year, the stock, property and assets owned by said company, as required by section twenty-one of the charter of said company, that then it shall be the duty of the auditor of public accounts to list the same, and place a valuation thereon, and assess thereon a tax for state purposes.

Duty of auditor

Power to examine books, officers and employees.

§ 2. That for the purposes of making the list of stock, property and assets, owned by said company, as required herein, and by section twenty-two of the charter of said company, and for the purpose of placing a valuation on the same, the auditor of public accounts is hereby authorized to inspect the books of said company, examine the officers, employees and clerks of said company and other persons, on oath, and may take any other evidence, upon and by which to make out the list and valuation, as herein required.

Auditor to notify his disapproval of the valuation.

§ 3. That in case the said railroad company shall list their stock, property and assets, as required by section twenty-two of their charter, with the auditor of public accounts, and the auditor shall believe that the valuation thereof is too low, or that the whole of the stock, property and assets, owned by said company, are not embraced in said list, he shall notify said railroad company of his disapproval thereof, and proceed as is herein provided in case no list is filed in the office of the auditor by said company.

Auditor may make out list in the aggregate or by specifications.

§ 4. That in order to make out the list herein provided to be made, the auditor may either make out the same in the aggregate or by specifications of the particular kinds of stock, property and assets, owned by said company, as provided in section twenty-two of the charter of said company.

Company may appeal to the supreme court

§ 5. That in either case provided herein, when the auditor shall make out the list and valuation, as herein provided, he shall notify said company thereof; and if said company shall be dissatisfied with such list and valuation they shall be allowed to appeal from the decision of the auditor to the supreme court, notice of which appeal shall be filed with the auditor, who shall thereupon transmit to the clerk of said supreme court a certified copy of said list and and valuation; and it shall be the duty of said supreme court, at the term next succeeding the taking of such appeal, upon such evidence as may be presented by the state and said company, to hear and determine the aggregate value of the stock, property and assets owned by said company.

Auditor to transmit list.

Duty of court.

Clerk to certify value to auditor.

§ 6. That whenever an appeal is taken to the supreme court and the question herein provided to be heard and determined by said court is determined, it shall be the duty of

the clerk of said court to certify the aggregate value, so found, to the auditor of public accounts, who shall assess a tax thereon for state purposes.

§ 7. That the auditor of public accounts shall draw his warrant upon the state treasurer for all expenses incurred under and by virtue of this act: *Provided*, that in case of an appeal to the supreme court, by said company, then said company shall pay all costs made by said company. Expenses.

§ 8. That the terms "list" and "valuation," as used in this act, shall be deemed and taken to mean the stock, property, assets and other things owned by said company, set down in a list or schedule for taxation, and the value placed thereon, as above provided. Meaning of terms.

§ 9. This act is intended to supply omissions, in the law as heretofore existing, so as to enable the state to enforce the listing of the property of the Illinois Central Railroad Company, and the valuation and assessment thereof, and to make it the duty of the auditor to value and assess the stock, property and assets owned by said company, for the years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight: *And it is further provided*, that all the provisions of this act shall apply to the listing, valuations and assessments of said years, as well as to all future listings, valuations and assessments. This act shall be in force from and after the date of its passage. This act to apply to years 1857 and 1858.

APPROVED February 21, 1859.

AN ACT to legalize the assessment of taxes in the county of Hancock, for the year A. D. 1857. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the state, county, town, railroad, school, and other taxes, levied and assessed on the lands, town lots and personal estate, in the county of Hancock, in the state of Illinois, for the year A. D. 1857, made by the town assessors of the several towns in said county, and returned at any time within the year A. D. 1857, and on or before the second Monday of September, be and the same is hereby legalized, and that said levy and assessment of such taxes shall have the same force and effect as though said levy and assessment had been made and returned, in all respects, at the time and in the manner prescribed by the then existing laws. Assessment legalized.

§ 2. That it shall be the duty of the county treasurer of said county to collect all such taxes, so levied and assessed, which remain unpaid, in like manner as he is required to collect the delinquent list returned to him by the town collector. Collection.

Judgment on
delinquent
lands

Sale.

Act legalized.

§ 3. That the county treasurer may apply for judgment upon such delinquent or unpaid taxes against the lands and towns lots assessed and unpaid, at any term of the county court of Hancock county, in the same manner as he is required by law to apply for the same against delinquent lands and town lots, under the revenue laws of this state, relating to counties under township organization, and sell the lands and town lots against which judgment shall be obtained, and apply the revenue which shall come to his hands from such assessment, as required by law.

§ 4. That all the acts of the town assessors, county clerk, board of supervisors, town collectors and county treasurer, relating to said levy and assessment of taxes, as well as the collection thereof, be and the same are hereby legalized. And whereas William A. Patterson, treasurer and *ex officio* collector of Hancock county, did, in accordance with the laws of this state, advertise, in the Carthage Republican, a weekly newspaper published in said county, the delinquent lands and town lots, and which said list was published in said paper, dated 6th May, A. D. 1858, and made his application to the county court of said county for judgment against the lands and lots in said delinquent list, and said court refused to render judgment said delinquent lands and lots, and [said] Patterson has paid for such publication the sum of one hundred and forty-six dollars; therefore, the auditor of public accounts be and is hereby required and authorized to draw his warrant on the treasury, in favor of said Patterson, for one hundred and fourteen dollars, the proportion thereof belonging to the state to pay; and the said treasurer of Hancock county shall be allowed by said county for the proportion thereof belonging to them to pay.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

In force Feb'y 21, 1859. AN ACT to amend the charter of the town of Jacksonville, and to legalize the assessment of taxes in said town, for 1857.

Power of trustees.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the town of Jacksonville, be, and they are hereby vested with power to extend and open, to the line of the corporation, any street or alley passing through the original town or any addition thereto, whenever the public interest or convenience may require the same; and whenever the right of way for any such extension cannot be obtained by contract, the board of trustees

may proceed to obtain the same under the provisions of chapter XCII, code of 1845, entitled "Right of Way," or under the provisions of the existing law on that subject, with reference to said town.

§ 2. That hereafter summons and other process issued against parties charged with violations of the ordinances or by-laws of said town shall be made returnable forthwith, and executions in such cases shall be issuable immediately; that in all cases when persons are ordered to be imprisoned or committed to jail, on conviction of offences against the by-laws or ordinances of said town, under the provisions of existing laws, the persons so ordered to be imprisoned or committed may be compelled to labor on the streets or other improvements of said town, at the rate of one dollar per day, until satisfaction is made of the penalty imposed or judgment recovered, during which time the parties so punished shall be furnished with healthy and suitable board and lodging, at the expense of the corporation, but which shall be charged against the party punished, as costs. Process.
Labor.

§ 3. That the assessment of the property in said town of Jacksonville, for taxation, for the year eighteen hundred and fifty-seven, be and the same is hereby declared legal, and the taxes upon said assessment shall be collectable as though the same had been made, in all respects, according to law. Assessment legalized.

§ 4. *And be it further enacted,* That an act entitled "An act to amend an act entitled an act to amend the act incorporating Jacksonville," approved February 18, 1857, is hereby repealed; and the act so amended shall be revived and be in full force and effect. cts revived.

§ 5. This act shall take effect on its passage.

APPROVED, February 21, 1859.

AN ACT to enable the Board of Supervisors of Boone county to levy an additional tax for certain purposes therein named. In force February 19, 1859.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Boone may, at their annual meeting, levy a tax, not exceeding two mills on the dollar, over and above the amount now allowed by law for county purposes; which shall constitute a fund, separate from the county revenue, and shall be appropriated either to the payment of the outstanding bonds of said county or the purchase of a poor farm and the erection of suitable buildings thereon, and for no other purpose, and shall cease when the aforesaid objects have been accomplished. Tax.

Special tax.

§ 2. Said special tax shall be levied and collected in the same manner as other tax is.

§ 3. This act shall take effect from and after its passage.

APPROVED February 24, 1859.]

In force Feb'y
12, 1859.

AN ACT to authorize the County Court of Fayette county to levy a tax for the purpose of repairing court house in said county, and other purposes.

Special tax.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of Fayette county be and the same is hereby authorized and empowered to levy a special tax, for the term of two years, not to exceed fifty cents (50) on each hundred dollars' worth of personal and real estate in said county; the proceeds of said tax to be applied to the payment of repairs on the court house in said county, and for furnishing the same.

Surplus.

§ 2. That the surplus, if any, of said tax, be paid in to the county treasury, to be applied as said county court shall direct.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED February 12, 1859.

In force Feb'y
18, 1859.

AN ACT empowering the Board of Supervisors of Jo Daviess county to levy certain taxes therein named.

Authorized to
levy tax for
bridges.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the people of the county of Jo Daviess, by their board of supervisors, be and are hereby authorized to levy a tax, of one mill upon the dollar, upon all taxable property in said county, for the purpose of erecting bridges and maintaining same in said county.

Taxes to liqui-
date county
debt.

§ 2. *Be it also enacted,* That the people of said county of Jo Daviess, by their board of supervisors, be and [are] hereby authorized and empowered to levy a further tax, of two mills upon the dollar, upon all taxable property, to be used as a sinking fund, for the purpose of liquidating the indebtedness of said county.

§ 3. This act shall be in force from and after its passage.

APPROVED February 18, 1859.

AN ACT to attach a portion of T. 19 N., R. 12 W., to T. 18 N., R. 12 W., in Vermilion county, state of Illinois. In force Feb'y 21, 1859.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the following described portion of T. 19 N., of R. 12 W., viz: Beginning at the southeast corner of said T. 19 N., R. 12 W.; thence north one mile, on the range line; thence west one mile and a half; thence south to the line of T. 18 N., R. 12 W.; thence east to the place of beginning, be and the same is hereby attached to T. 18 N., R. 12 W., in Vermilion county, state of Illinois, and shall be hereafter taken and considered a part of T. 18 N., R. 12 W., for all civil purposes. Territory attached.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1859.

AN ACT to re-annex certain lands to the town of New Trier.

In force April 26, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all of the Archange Oinleneth Reserve, and fractional sections twenty-two, twenty-six and twenty-seven, in township forty-two north, range thirteen east, be disannexed from the town of Evanston and annexed to the town of New Trier. And that part of section 3 of "An act to establish the town of Lakeview, in Cook county, and to change the name and boundaries of the town of Ridgville and to constitute the same a township, for school purposes," requiring the trustees of schools of township forty-two north, range thirteen east, to pay to the trustees of schools of town forty-one, range fourteen, one-sixth part of the township school funds, be and is hereby repealed. Territory attached. Section repealed.

APPROVED February 24, 1859.

AN ACT to authorize the inhabitants of the town of Maine, in Cook county, to build a town house. In force Feb'y 11, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the inhabitants of the town of Maine, in Cook county, be and they are hereby authorized to receive a donation or to purchase a lot and erect a building thereon, to be used for town meet- Donation.

ings in such town, and for such other public purposes as the trustees hereinafter named may authorize.

Appropriation. § 2. The electors of such town, at any annual or special town meeting, may determine, by a vote, what sum shall be appropriated for the purpose aforesaid; and the amount so voted shall be assessed, levied and collected in the same manner as other town taxes are assessed, levied and collected; and the electors may vote at the same time as to the location of said building.

Tax.

Expenditures. § 3. The expenditure of such money and the control and use of such building shall be made and exercised by a board of three trustees, to be chosen at each annual town meeting after the passage of this act, in the same manner as other town officers are chosen, who shall hold their offices until their successors are elected. The following named persons shall constitute such board of trustees, and hold their offices until their successors shall be chosen, as aforesaid, viz: H. W. Phillips, A. F. Miner and T. P. Robb.

Trustees.

Treasurer. § 4. The said trustees shall choose one of their number treasurer, and prescribe the amount, condition and securities of the bond to be given by such treasurer; and no money shall be paid out by the treasurer without the written order of a majority of such trustees; and the said trustees shall, annually, at the regular town meeting, report, in writing, all their doings as trustees; and shall receive for their services such compensation as may be fixed by the voters of said town, at their annual town meetings.

§ 5. This act shall be in force from and after its passage.

APPROVED February 11, 1859.

;

In force Feb'y AN ACT to amend an act entitled "An act to provide for Township Organization."
21, 1859.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the fourth section of article sixteenth of an act to provide for township organization, approved February 17, 1851, so far as is applicable to the county of Cook, be so amended that it shall require two-thirds of all the supervisors elected to appropriate money from the county treasury for construction of roads and bridges.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED February 21, 1859.

Section amended.

AN ACT to change the time of holding town meetings in the county of Cook. In force February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the annual town meetings in the county of Cook shall be held on the first Tuesday next after the first Monday of November in each year. Town meetings

§ 2. The supervisor of each town in said county of Cook shall be the moderator of the meeting, and shall, at the same time, be one of the board of election now provided for by law. The town clerk shall also act as one of the clerks of the election, as also of the town meeting. In case the supervisor and town clerk, or either of them, should be absent, then the electors present shall choose from their number to fill the board of election, and the business of the town meeting, as also the election for state, county, town and other officers shall proceed in all respects as if they were present. Board of election.

§ 3. The town officers now in office in said county of Cook shall hold over until the next general election after their term of office, for which they were elected expires, and until their successors are elected and qualified. Town officers.

§ 4. In the towns of North Chicago, West Chicago, South Chicago and such other towns as may hereafter be created out of said towns, the town meetings now provided for by law shall be abolished, and the board of auditors, now provided for by law, and the assistant supervisors and ward supervisors shall constitute a board, who shall transact all the town business now provided by law to be transacted by the town meeting. Town meetings abolished.

§ 5. The town officers for the towns of North Chicago, South Chicago and West Chicago shall be voted for by wards or election precincts, and the returns of the elections shall be made to the town clerk of said towns, who, calling to his assistance two justices of the peace of said county, shall canvass the votes and grant certificates of election to the persons receiving the highest number of votes. The judges of election appointed by the common council of the city of Chicago in each year, shall hold said elections. Town officers.

§ 6. The board of election shall make returns to the county clerk for all the officers voted for, except the town officers, and shall declare who are elected town officers, as now provided for by law. Returns.

§ 7. Special town meetings may be held during the year 1859, to transact the business which the changing of the time for the annual town meeting by this act, may make necessary. Special town meetings.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED February 24, 1859.

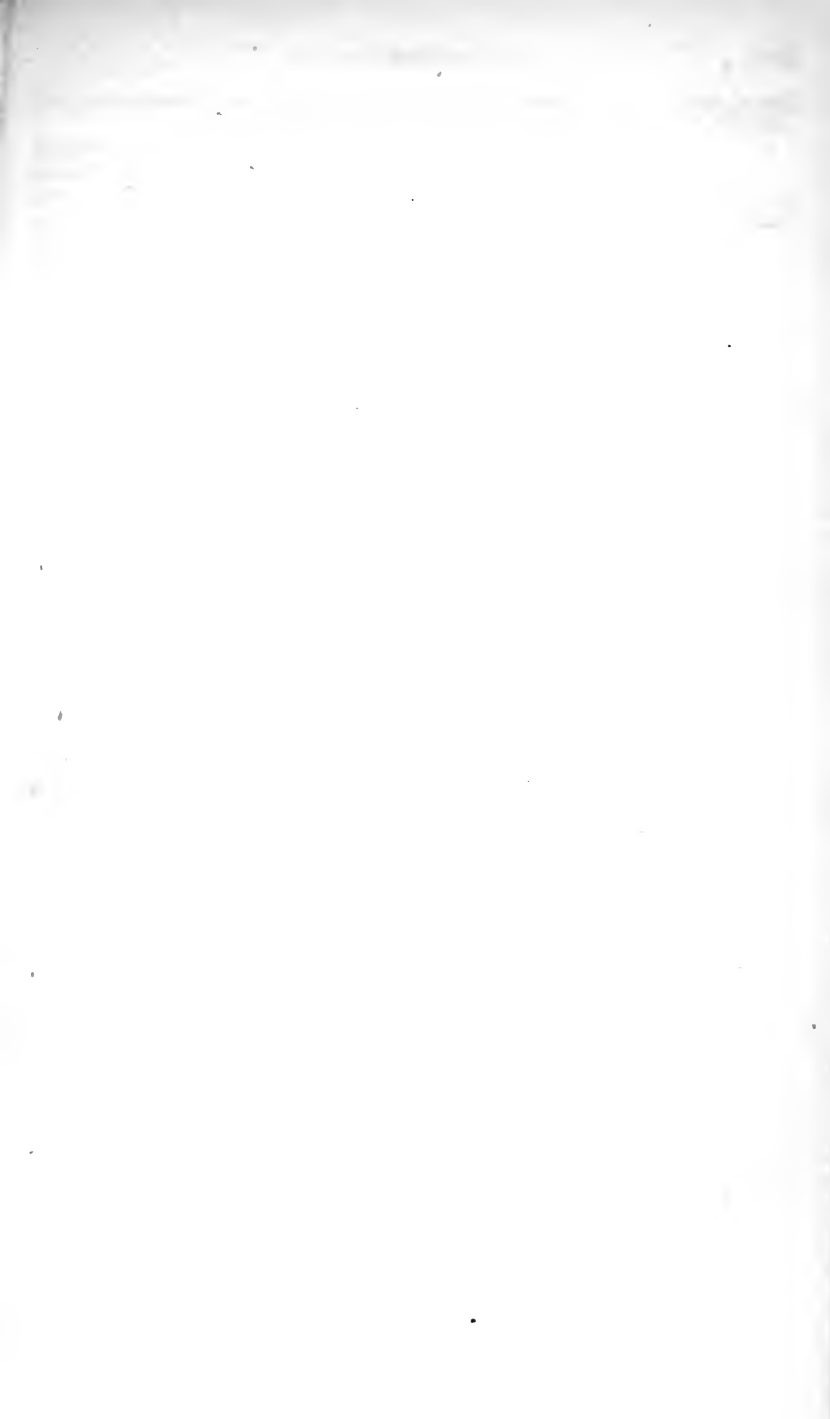
In force April
26, 1859.

AN ACT amending sec. 4 of the act entitled "Wills."

Attestation of
wills, &c.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when any witness attesting any will, testament or codicil, shall reside without the limits of a county where a will, testament or codicil is produced for probate of the same, and said witness shall be unable to attend said court, it shall be lawful for the county judge to issue a *dedimus potestatem* or commission, authorizing the taking and certifying of the attestation of said witness, in due form of law, as they are now required to do in section four of the statute of "Wills," where the witness resides without the limits of this state.

APPROVED February 24, 1859.





JOINT RESOLUTIONS.

JOINT RESOLUTION in relation to Constitutional Convention.

Resolved by the Senate and House of Representatives, That the electors of the state of Illinois be and they are hereby recommended, at the next election of members of the general assembly, to vote for or against calling a convention to form a new constitution for the state of Illinois.

JOINT RESOLUTION relative to reports of the proceedings of the General Assembly.

Resolved by the House of Representatives, the Senate concurring herein, That the reporters of the State Register and Illinois State Journal are hereby authorized to make full reports of the proceedings and debates of each house of this general assembly on all subjects of general interest, and that they be paid, for so doing, the sum of five dollars per day each, out of the contingent fund.

JOINT RESOLUTION relative to postage and stationery.

Resolved by the Senate, the House of Representatives concurring herein, That the joint resolution of the last general assembly, concerning postage and stationery, be adopted at the present session, except "gold pens."

JOINT RESOLUTIONS relative to public buildings in Springfield.

WHEREAS the people of the state of Illinois are deeply impressed with the importance of safe and proper accommodations for the United States courts of the southern district, the pension and land offices and post office, all now in the city of Springfield, where at present are filed a large amount of highly important and valuable papers, affecting the titles and interest of many to a large extent, both of residents and non-residents, which papers were recently, with much risk and difficulty, rescued from conflagration; and whereas, also, the congress of the United States has made an appropriation for the erection of a building for these purposes, and the treasury department of the United States has purchased a site for said building in the city of Springfield, the title of the same now being in the United States, and the jurisdiction thereto having been ceded by the state of Illinois; therefore,

Resolved by the Senate and House of Representatives of the State of Illinois, in General Assembly, That our senators be instructed and our representatives in congress be requested to use all honorable means to secure the immediate construction of a building for the accommodation of the United States courts, pension and land office and post office in the city of Springfield, that it may be completed within the sum already appropriated, or such an additional appropriation at the present session of congress.

Resolved, That the governor be requested to transmit a copy of these resolutions and preamble to each of our senators and representatives in congress.

JOINT RESOLUTION making appropriations to pay extra officers.

Resolved by the House of Representatives, the Senate concurring herein, That the extra assistant secretaries of the senate, and extra assistant clerks of the house of representatives, be allowed the same per diem as the regular clerks and secretaries—the number of days to be certified by the secretary and clerk respectively; the extra assistant enrolling and engrossing clerks of the senate and house of representatives the same per diem as the elective officers—the time of each to be certified by the principal clerks and chairman of the enrolling and engrossing committees; the clerks of the several committees of either house the same per diem as the clerks—the time to be certified by the chairman of the respective committees; the superintendent of committee rooms the same per diem as door-keepers—the

time to be certified by the speaker of the house of representatives; the postmaster of the senate, and postmaster and assistant postmaster, folder, &c., of the house of representatives the same per diem as secretaries and clerks; and to John R. Campbell, boy employed by house to assist postmaster, two dollars per day—the time to be certified by the speakers respectively; to the pages of the senate and house of representatives, \$1.50 per day each—the time to be certified by the speakers respectively; to M. S. Dunning, police officer of the senate and house, four dollars per day—the time to be certified by the speaker of the senate; to Michael Myers, mail carrier of the present session, one dollar and fifty cents per day—the time to be certified by either speaker; to D. J. Waggoner, for cash paid for cleaning spittoons and repairing chairs of the senate, eleven dollars and fifty cents; to John Jackson, eighteen dollars, for cleaning spittoons for the house of representatives; and Henry Binmore (house) and R. R. Hitt (senate), reporters for Register and Journal, each the sum of five dollars per day.

And be it further resolved, That the auditor of public accounts audit and settle the account of the postmaster of the city of Springfield, for the postage of the present session, and draw his warrant on the treasurer for the amount thereof.

And be it further resolved, That the auditor of public accounts be authorized and directed to draw his warrant on the treasurer for the amounts covered by the foregoing resolution. Also, that the auditor of public accounts be authorized to audit the accounts of the clerk of the house of representatives and secretary of the senate for newspapers furnished members of the general assembly during the present session, and to draw his warrant on the treasurer (who is hereby authorized to pay the same) in favor of the several persons entitled to the same.

JOINT RESOLUTION in relation to printing the agricultural report.

Resolved by the House of Representatives, the Senate concurring herein, That the state printer be and he is hereby directed to print three thousand copies of the Transactions of the State Agricultural Society.

JOINT RESOLUTION in relation to publishing laws.

Resolved by the Senate, the House of Representatives concurring herein, That the secretary of state be instructed to have published all the laws of a general nature passed at this session of the general assembly, in the State Register and Illinois State Journal, immediately after the adjournment of the general assembly, which laws, so published, shall be *prima facie* evidence of what is therein provided: *Provided*, that the cost of publishing said laws shall not exceed two hundred dollars to each paper, and that one copy of each paper containing such laws shall be furnished to the clerks of the circuit and county courts of this state.

DEPARTMENT OF STATE, }
Springfield, July 1, 1859. }

I, O. M. Hatch, secretary of state of the state of Illinois, do hereby certify that the foregoing, except the words printed in brackets thus, [] (which are inserted for the purpose of correction and explanation,) are true and perfect copies of the enrolled laws and joint resolutions on file in my office.

In testimony whereof I have hereunto set my hand, the day and year aforesaid.

O. M. HATCH, *Secretary of State.*

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